



THE  
**L A W S**  
OF  
THE STATE  
OF  
**NORTH-CAROLINA,**  
ENACTED IN THE YEAR  
1812.

*Transmitted according to law to*

*The Chief Sup. Court*

*One of the Justices of the Peace for the County of*

*Perquimans*



RALEIGH.

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1813.

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Attest

# L A W S

OF

## NORTH-CAROLINA.

At a General Assembly, begun and held at Raleigh, on the Sixteenth Day of November, in the year of our Lord one thousand eight hundred and twelve, and in the thirty-seventh year of the Independence of said State.

WILLIAM HAWKINS, ESQUIRE, GOVERNOR.

### CHAPTER I.

An Act to amend the Militia Laws of this State.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That it shall not be lawful for the Captain or Commanding Officer of any company of Militia to enroll any free Negro or Mulatto in his company: *Provided always,* That it shall and may be lawful at all times to enroll a sufficient number of such in any Militia Company as Musicians.

Free Negroes and Mulattoes excluded from mustering, except musicians

*II. Be it further enacted by the authority of the same,* That no Captain, Lieutenant, or Ensign of any Militia Company in this State appointed and commissioned by his own consent, shall resign his appointment unless in case of sickness, bodily infirmity or removal out of the bounds of the Company for which he was appointed. until he shall have fulfilled the duties of his said appointment for the space of three years: And if any Commissioned Officer in the Militia of this State now appointed, or who may hereafter be appointed, shall fail to equip himself according to law within twelve months from the passing of this Act, or within the like space from the time of his appointment, such Officer so failing shall forfeit his appointment and commission on a conviction for the same before a Court Martial, and be rendered incapable of holding or exercising any Military Office under the authority of this State for the term of five years thereafter: And if any Commissioned Officer hereafter appointed shall resign within twelve months after his appointment, without having equipped himself according to law—he shall, if a General Officer, forfeit and pay the sum of fifty pounds, to be applied to the use of the division or brigade, as the case may be, to which such officer belongs; if a Colonel Commandant, the sum of twenty-five pounds; if a Major, the sum of fifteen pounds; if a Captain, the sum of ten pounds; if a Lieutenant, the sum of five pounds; if an Ensign, the sum of fifty shillings, to be sued for and recovered by the Adjutant of each Regiment in the name of the Governor, to the use of the Regiment; and the forfeitures incurred by the General Officers for breach of this Act, shall be sued for in the name of the Governor by the Adjutant General.

Officers compelled to hold their appointments 3 years.

Commissioned Officers required to be equipped in one year,

Penalty.

*III. Be it further enacted,* That it shall be the duty of the Commandant of each Regiment of Militia within this State, to Muster or cause to be Mustered and Trained the Commissioned Officers of their respective Regiments at such times and places as may be directed by the Brigadier General of each Brigade.

Officers to be mustered.

*IV. Be it further enacted,* That it shall be the duty of each and every Major-General of the Militia, to review the several Regiments of Militia and Cavalry within the limits of their respective commands once in every two years, so that they do not both review the same Regiments at the same time, under the same penalties as are now prescribed by law for omissions of that duty.

Reviews.

*V. Be it further enacted,* That Regimental Courts Martial shall consist of Field Officers, Captains and Lieutenants only; Battalion Courts Martial of the Field Officers commanding such Battalion, Captains, Lieutenants and Ensigns; and Company Courts Martial shall be constituted as heretofore.

Courts Martial.

*VI. Be it further enacted,* That if any person shall wickedly, wilfully and corruptly swear falsely before any Court Martial touching and concerning any matter or thing cognizable before such Court Martial, he shall on conviction thereof be liable to

Perjury punishable;



1812. the pains and penalties of perjury ; and in all cases to delinquents and witnesses oaths and affirmations shall be administered by the Judge Advocate or presiding Officer in such Courts Martial.

The collection and appropriation of fines.

VII. *Be it further enacted*, That it shall be the duty of each and every commanding Officer of the several Regiments of Militia of this State to exact and enforce regular settlements of all fines collected under the Militia laws from the several Officers charged with the collection thereof, which fines shall be appropriated as heretofore directed by law ; and if there be any surplus it shall be laid out in the improvement of Military Music attached to their respective Regiments : And it shall be the duty of each Captain or commanding officer of a company to report in writing, once in every six months to the commanding officer of the Regiment to which he belongs, the amount of fines assessed in his company within that period.

Fines to be reported every six months

And Ca. Sa's to issue.

VIII. *Be it further enacted*, That hereafter it shall and may be lawful to issue executions against the persons of all delinquents for fines assessed against them in the same manner as other writs of *Capias ad Satisfaciendum* are issued.

Governor to prescribe the Uniforms

And commis- sion Aids.

IX. *And be it further enacted by the authority of the same*, That the Governor for the time being shall have power to prescribe the Uniform to be worn by the General and Field Officers of the Militia of this state, and he shall moreover grant Commissions to the several Aids-de camp, appointed by the Major Generals and Brigadier Generals of the Militia of this State, to be held during the pleasure of such General Officers, to whom such Aids-de-camp may be attached.

Governor's Private Secretary & Gunsmiths exempt from mustering.

X. *And be it further enacted*, That the Private Secretaries to the Governors of this State, be and they are hereby exempt from Military duty, except in case of invasion or insurrection : *Provided always*, And it is hereby enacted, that it shall be in the power of the several Courts Martial within each Regiment (except in time of insurrection or invasion) to exempt from Military duty, all well taught Gun Smiths, who shall follow and prosecute the business of a Gun Smith professionally.

Governor to appoint certain officers.

XI. *And be it further enacted*, That his excellency the Governor, be and he is hereby authorised to appoint an Adjutant General, Inspector General, Quarter-Master General and Pay-Master General, to such Detachment of Militia as now is or may be hereafter required from this State, by the President of the United States, under the authority of Congress, who shall while in actual service, have the same pay and emoluments, and perform the same duties as Officers of the like grade in the service of the United States.

Drafted Militia may furnish substitutes.

XII. *And be it further enacted*, That it shall be the duty of each Captain or Commanding Officer of a Company of Militia detached as part of the requisition under the authority of the United States, to receive and enroll in the place and stead of any person drafted to serve in such Company, any able bodied free white citizen to serve as a substitute for such person so drafted.

How vacancies are to be filled in certain cases.

XIII. *And be it further enacted*, That if any Commissioned Officer under the grade of a Field Officer, appointed to command in any detachment from this State, under the authority of the United States, shall die, resign, or remove out of the regiment to which he belongs or may belong, it shall be the duty of the Colonel Commandant of the Regiment to which such officer belonged, to recommend a proper person resident within the bounds of such regiment, to be commissioned by the Governor to fill such vacancy.

Officers of detachment to be mustered.

XIV. *And be it further enacted*, That the Colonel Commandant of each Regiment of Militia, now detached or which may hereafter be detached for the service of the United States, shall have power to call together at convenient times and places, all the commissioned officers belonging to his regiment for the purpose of mustering, training and establishing uniformity of discipline among them, and it shall be the duty of such officers to attend such musters when duly notified thereof, and in case of failure without sufficient excuse, shall on conviction before a Court Martial, pay a fine not less than three, nor more than five dollars.

Fines for non-attendance.

Adjutant General's salary,

XV. *And be it further enacted*, That the Adjutant General of this State, appointed or to be appointed by the Governor, by virtue of the sixth Section of the Act of one thousand eight hundred and seven, entitled ' An Act to expedite the organization of the quota of Militia required from this state,' &c. shall be allowed the sum of two hundred dollars per annum for his services, besides expences now allowed by law, to be paid half yearly by the Public Treasurer, by a Warrant from the Governor.

And those excluded from holding that office.

XVI. *Be it further enacted*, And it is hereby declared to be incompatible for any Major General, Brigadier General, or Lieutenant Colonel Commandant, to act as Adjutant General of the Militia of this state.

Overseers of Roads

XVII. *And be it further enacted*, That no Overseer of any Road in this State, shall order the hands under him to work on the Road on the days previously appointed for muster by the Captain of the company to which such hands belong.

XVIII. *And be it further enacted*, That the Rifle Volunteers in the state shall not



be compelled to pay a greater fine for non attendance at their musters, than the Militia of this state, any thing to the contrary notwithstanding.

1812.

*XIX. And be it further enacted,* That for the encouragement of Military Music it shall and may be lawful for each Captain of each and every militia company of Infantry in this State, to select from among the persons enrolled in their respective companies, one Fifer and one Drummer, each being properly qualified for their appointment, which selection shall be made under the direction and with the approbation of the Field Officers belonging to the Regiment to which such company is attached; and when such selection of Musicians is made, it shall be the duty of the Field Officers to grant a certificate to such Musicians of their appointment, and the County Court of the county in which such companies respectively are, shall exempt and discharge such Musicians so selected, during their continuance in appointment, from serving on all Juries, from working on the public roads, and from the payment of Poll taxes. Such Musicians shall be removable at the pleasure of the Field Officers of the regiment to which they severally belong, and shall attend each and every muster of their respective companies, and also the musters of the officers, and perform the duties of their appointment, under the penalty of forty shillings for each and every neglect, to be collected and applied in the same manner that other fines are.

Rifle volunteers.

For the encouragement of Military Music.

*Read three times and ratified in General Assembly,  
the 25th day of December, 1812:*

GEO. OUTLAW, Speaker of the Senate,  
W. MILLER, Speaker of the House of Commons.

*A true copy,* WM. HILL, Secretary.

## CHAPTER II.

An Act for filling the vacancy in the representation from this State in the Congress of the United States occasioned by the death of General Thomas Blount.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That for the purpose of choosing some person to fill the vacancy in the representation from this State in the Congress of the United States, occasioned by the death of General Thomas Blount, the Governor of this state is authorised to issue writs of Election directed to the Sheriffs or returning officers of the counties of Beaufort, Hyde, Pitt, Edgecombe, Tyrell, and Washington, commanding them that on a day to be prescribed in said writs they cause Elections to be held in their said counties respectively, at the places established by law for the purpose, to be conducted in the usual and customary manner: And to direct the Sheriffs or returning officers of the said counties to meet at such place for adding and comparing the votes taken in their respective counties and ascertaining the person elected as has heretofore been used for that purpose, and at such time as shall be prescribed by the Governor.

Governor to issue writs of election, &amp;c.

*II. And be it further enacted,* That this act shall be in force immediately after the passage thereof.

## CHAPTER III.

An Act to amend the Laws relative to the Supreme Court.

**WHEREAS** it is of importance to the State that the records of the Supreme Court should be preserved:

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That it shall be the duty of the Clerk of the Supreme Court to record in well bound books the papers in the several cases which have been or shall hereafter be decided in said Court, with the Opinions of the Court thereon, and to have said books neatly lettered and numbered; and for this service he shall receive a compensation to be estimated by any three of the Judges, for each term of the Court, the cases of which are hereby directed to be recorded; which compensation shall be paid by the Treasurer upon the certificate of the said Judges.

Clerk to record in books cases and opinions of the Judges.

*II. Be it further enacted,* That the Clerk's Office of the Supreme Court shall hereafter be kept in the City of Raleigh, and in one of the Rooms of the State House, set apart for the Secretary of State, and the Judges are hereby authorised to hold the said Court in the State House, whenever they think proper to do it.

Clerk's Office to be kept in Raleigh, &amp;c.

*III. And be it further enacted,* That in cases of appeal to the Supreme Court, the appellant shall enter into bond with security to perform the judgment, sentence and decree of the Supreme Court in like manner, and subject to the same restrictions and provisions as are prescribed by law, for regulating appeals from the County to the Superior Courts; and the Supreme Court shall upon motion render judgment against the securities for an appeal in the same way that judgment is rendered against securities for an appeal from the County to the Superior Courts, and execution shall issue from the said Court for the same.

Security to be given in cases of appeal to the supreme Court.

*VI. And be it further enacted,* That if the appellant shall fail to file with the clerk of



1812. the Supreme Court, a transcript of the record of the case, on or before the second day of the term of said Court, next after the appeal is granted, the Clerk of the Supreme Court shall grant to the appellee a certificate under the seal of the Court, that the appellant hath failed to file such transcript, and upon such certificate being filed with the Clerk of the Superior Court, or Clerk and Master in Equity of the Court in which such appeal was granted, it shall be the duty of the said clerk or clerk and Master in Equity, to issue execution against the principal and the securities for the appeal for the judgment rendered and such costs as are now allowed by law, in cases when the appellant fails to file with the clerk of the Superior court a transcript of the record, within the time prescribed by law : And it shall be lawful for the Supreme court, upon motion, to render judgment against securities for appeals in cases now pending in said court, in the manner prescribed by this Act, and for execution to issue upon such judgment.

Transcript  
must be filed by  
2d day of court

V. *Be it further enacted*, That this act shall be in force from and after the ratification thereof.

An Act concerning Equitable Interests in Real and Personal Estate.

Trust property  
subject to  
legal execution.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That it shall and may be lawful for every Sheriff or other officer to whom any writ or precept hereafter shall be directed, at the suit of any person or persons, of, for, or upon any judgment now had, or hereafter to be had, to do, make, and deliver execution unto the party in that behalf suing, of all such goods and chattels, lands, tenements, rents and other hereditaments as any other person or persons, be in any manner of wise seised or possessed, or hereafter shall be seised or possessed in trust for him, her, or them against whom execution shall be so sued, as the Sheriff or other officer might or ought to have done, if the said party or parties against whom execution hereafter shall be sued, had been seised or possessed of such goods and chattels, lands, tenements, rents or other hereditaments of such estate as they be seised or possessed of in trust for him, her, or them at the time of the said execution sued ; which goods and chattels, lands, tenements, rents or other hereditaments, by force and virtue of such execution, shall accordingly be held and enjoyed freed and discharged from all incumbrances of such person or persons, so seised or possessed in trust for the person or persons against whom such execution shall be sued ; and if any *cestui que trust* hereafter shall die, leaving a trust in fee simple to descend or come to his or her heir, executor or administrator, then and in every such case such trust shall be deemed and taken, and is hereby declared to be legal assets in the hands of such heir, executor or administrator as the case may be, and such heir, executor or administrator shall be liable to and chargeable with the debts of his or her ancestor, testator, or intestate for and by virtue of such assets as fully and amply as he, she, or they might or ought to have been if the estate at law had descended or come to him, her or them in possession in like manner as the trust descended.

Trust property, upon the death of *cestui que trust*, assets in the hands of his executors, &c.

Equity of redemption liable to execution:

II. *And be it further enacted*, That the equity of redemption in all lands, tenements, rents or other hereditaments which now are or hereafter shall be pledged or mortgaged, shall in like manner be liable to any execution or executions hereafter sued out on any judgment or judgments now had, or which hereafter shall be had, against the mortgagor or mortgagors ; and such equity of redemption shall, in the hands of the heir or heirs of such mortgagor or mortgagors, be deemed and taken, and hereby is declared to be assets by descent ; and the heir or heirs shall be liable and chargeable with the debts of his, her, or their ancestor to the extent and in the manner herein before declared.

Sheriff to set forth in deed that the lands were under mortgage.

III. *And be it further enacted*, That it shall be the duty of the sheriff, selling any lands, tenements, rents, or other hereditaments, under any execution to him directed, to set forth in the deed to be made by him to the purchaser, or purchasers thereof, that the same lands, tenements and hereditaments, were under mortgage at the time of the levy on and sale of the same.

An Act to raise a Revenue for the payment of the Civil List and contingent charges of Government for the year one thousand eight hundred and thirteen.

Tax on lands town lots and polls.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That for the year one thousand eight hundred and thirteen, a tax of ten pence on every hundred acres of land within this State, and a tax of two shillings and six pence on every hundred pounds value of town lots with their improvements, as well on those not established by law as those that have been established, and a tax of two shillings and six pence on every poll shall be levied, collected and accounted for in the same manner, as such taxes have been heretofore levied collected and accounted for.



II. *And be it further enacted,* That a tax on all stud-horses and jack-asses within this state of the full sum which the owner or keeper of such stud horse or Jack-ass shall demand or receive for the season of one mare, shall be levied, collected and accounted for in the same manner as such tax has heretofore been levied, collected and accounted for. 1812.  
Tax on Stud horses & Jacks

III. *And be it further enacted,* That all free males between the ages of twenty one and fifty years, and all slaves between the ages of twelve and fifty shall be subject to a poll tax: *Provided,* That all slaves be listed in the county wherein they reside, and the tax shall be collected accordingly: *And provided also,* That in future it shall be the duty of the Clerks of the respective courts of Pleas and Quarter Sessions in making their returns unto the Comptroller of the taxable property of their counties to distinguish the number of white from that of the black polls therein. Who is subject to pay a poll tax.

IV. *And be it further enacted,* That each and every person who shall hereafter peddle or hawk in any county of this State and not on a navigable stream, goods, wares and merchandise, which are not of the manufacture of this state or of the United States, shall pay to the sheriff of each and every county in which he or she may so peddle or hawk goods, wares or merchandise, the sum of ten pounds as a tax to the State, which tax shall be accounted for by the sheriff in like manner as other taxes: And on paying said tax and obtaining a receipt therefor, such person shall be authorised and permitted to peddle and hawk, as aforesaid, in such county, and in no other, for the term of one year thereafter; and every person who shall peddle or hawk goods, wares and merchandise, on any navigable stream in this state, shall pay to the Sheriff of each and every county in which he or she shall so hawk or peddle, twenty-five pounds, as a tax to the state, to be accounted for as above: And on payment thereof, shall be authorized and permitted to peddle and hawk as aforesaid, in such county and in no other, for the term of one year thereafter; and each and every person who shall hawk or peddle in any county without having previously paid the tax thereon, as herein before directed, shall be liable to a forfeiture of fifty pounds, to be collected by the sheriff of said county, by distress and sale of any of the property of such delinquent, and to be applied one half to the use of the state, and the other half to the use of the said sheriff. Tax on Pedlars.  
Penalty of fifty pounds.

V. *And be it further enacted,* That every Merchant who shall sell goods, wares or merchandize, at any Store to the amount of two hundred pounds in one year, shall pay a tax on each and every such Store, if a wholesale merchant, of six pounds, and if a retail merchant, of three pounds; And every such merchant shall give in such store or stores in the list of his taxables under the same rules and regulations as other taxables are given in; and the tax thereon shall be levied, collected and accounted for in the same manner as other taxes: *Provided always,* That no retailers of spiritous liquors by the small measure, shall be liable to pay in addition to the tax imposed on such retailers the tax also imposed on stores, unless such retailer shall sell goods, wares and merchandize, other than liquors, to the amount herein stated: *And provided also,* That the sheriff may be entitled to demand, and shall demand and collect, the tax imposed by this section, from such persons also as keep stores for a less time than one year, and sell thereout the amount herein before specified, although such stores were not open on the first day of April. Tax on wholesale and retail Merchants.

VI. *And be it further enacted,* That the owners of Billiard Tables shall hereafter give them in at the same time and in the same manner as other taxable property, and shall pay for each Billiard Table a tax of thirty pounds, to be levied, collected and accounted for in the same manner as other taxes; And the sheriff shall collect the tax upon every Billiard Table within his county, whether the same shall have been there on the first day of April preceding or not, and whether the same shall have been erected on that day or not, unless the person having such table in possession shall produce the receipt of the sheriff of some other county for the said tax. Tax on Billiard Tables.

VII. *And be it further enacted,* That each and every Company of Itinerant Stage Players, Rope Dancers, Tumblers and Wire Dancers, and each and every person or company, who shall exhibit natural or artificial curiosities of any sort or kind, for a reward, shall previously to performing or exhibiting in any county of this state, pay to the sheriff thereof, the sum of five pounds, as a tax to the state, to be accounted for by the sheriff as other taxes, and on paying such tax and obtaining a receipt therefor, such person or company shall be authorised and permitted to perform and exhibit as aforesaid in such county, and no other, for the term of one year thereafter: And each and every Itinerant Stage Player, Rope Dancer, Tumbler or Wire Dancer, or exhibiter of curiosities, natural or artificial, for a reward, who shall perform or exhibit in any county, without having previously paid the tax herein directed, shall be liable to a forfeiture of thirty pounds, to be collected by the sheriff of said county, by distress and sale of any of the property of such delinquent, and to be applied, one half to the use of the state, and the other half to the use of the said sheriff. Tax on itinerant Stage-Players, Rope-Dancers, &c.



1812.  
Contingent  
Fund.

VIII. *And be it further enacted*, That after the payment of the civil list, and other specific appropriations by law, the balance of the Revenue remaining in the Treasury during the year one thousand eight hundred and thirteen, be and is hereby declared a contingent fund, to be applied to the incidental charges of government.

#### CHAPTER VI.

An Act for dividing the State into Districts for Electing Representatives to Congress.

The State di-  
vided into 13  
Districts.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That this State shall be divided into Thirteen Districts as follows, to wit—the Counties of Perquimons, Chowan, Currituck, Camden, Gates, Pasquotank and Hertford shall compose one District; The Counties of Northampton, Bertie, Halifax and Martin shall compose the second District; The Counties of Beaufort, Edgecombe, Hyde, Pitt, Tyrrel and Washington shall compose the third District; The counties of Lenoir, Craven, Jones, Carteret, Wayne, Greene and Johnston shall compose the fourth District; The counties of New-Hanover, Brunswick, Onslow, Duplin, Sampson, Bladen and Columbus shall compose the fifth District; The counties of Franklin, Granville, Warren and Nash shall compose the sixth District; The counties of Richmond, Anson, Moore, Cumberland, Robeson and Montgomery, shall compose the seventh District; The counties of Orange, Wake and Person shall compose the eighth District; The counties of Rockingham, Stokes, Guilford and Caswell shall compose the ninth District; The counties of Randolph, Rowan and Chatham shall compose the tenth District; The counties of Mecklenburg, Cabarrus and Lincoln shall compose the eleventh District; The counties of Burke, Rutherford, Haywood and Buncombe shall compose the twelfth District, and the counties of Wilkes, Surry, Iredell and Ashe shall compose the thirteenth District—Each of which districts shall be entitled to elect and send one Representative to the Congress of the United States.

Each District  
entitled to one  
Representative.

Elections to  
be held at the  
usual times &  
places.

Inspectors to  
be sworn.

II. *And be it further enacted*, That the election shall be held on the same days and at the same places as are now prescribed by Law for holding elections for Members to represent the several counties in the General Assembly of this State, in the year one thousand eight hundred and thirteen, and at the same times and places every two years thereafter; all of which elections are to be conducted by the Sheriffs or by other persons legally appointed therefor, in like manner as the annual elections of the Members of the State Legislature, except that the Inspectors of the Election and Clerks of the Polls shall be sworn or affirmed to act with justice and impartiality, which oath may be administered by any Justice of the Peace or any other person thereunto authorized; and that each qualified voter shall be admitted to give his suffrage only in the county wherein he resides.

The Governor  
to alter the  
time of hold-  
ing elections,  
if necessary.

III. *Be it further enacted, &c.* That if any event shall happen to render the Meeting of Congress necessary after the third of March next, and before the time herein fixed for the ensuing election of Representatives, or if after the expiration of any future Congress and before the time fixed for the election then next to ensue, a new Congress shall be called, his Excellency the Governor, on receiving information to that effect, is hereby authorised to declare the same by Proclamation, and to require the Free Men of this State to meet in their respective counties, at the time or times therein to be appointed, and at the places established by Law, then and there to give their votes for Representatives; which elections so held in pursuance of the proclamation of the Governor, shall be conducted in like manner, and to all intents and purposes shall be as legal and valid as if the same had been held at the time or times prescribed in the preceding section of this act.

Penalty for  
voting impro-  
perly.

IV. *And be it further enacted by the authority aforesaid*, That if any person whatsoever shall vote more than once in any election for a Representative in Congress for his district, he shall forfeit and pay the sum of twenty pounds, to be recovered before a single Justice of the Peace; one half to the use of the person suing for the same, and the other half to the use of the County in which the offence is committed. And in counties where separate places of election have been or shall be established by Law, the elections directed by this act shall be conducted in the same manner as Elections for Members of the General Assembly heretofore had, each officer presiding at an election making return of the Poll, which has been had before him, unto the Sheriff or other returning officer of his county, at the Court-House thereof, on or before the Monday immediately following the election.

Sheriff's duty

V. *And be it further enacted by the authority aforesaid*, That immediately upon the close of the Election in each county where there is but one place of Election, the Sheriff or other returning officer shall in the presence of the Inspectors of the Election, cast up the scrolls and make out two correct statements of the number of suffrages given in his county to each Candidate; one of which statements shall be by the Inspectors filed in the Court of Pleas and Quarter Sessions for said County, after



the same is duly certified by the said returning officer, and a majority of the Inspectors and the Sheriff or other returning officer by himself or Deputy, shall attend with the other on the day and at the places herein after mentioned; And in each county where separate elections are holden, the presiding officer at each place of election, shall immediately upon the close of the Poll, in the presence of the Inspectors, cast up the scrolls and make out two correct statements of the number of suffrages given thereat for each Candidate; one of which statements shall be by the Inspectors of said poll filed in the office of the Clerk of the Court of Pleas and Quarter Sessions of the county, after the same has been duly certified by the said returning officer and a majority of the Inspectors, and the other shall be delivered to the Sheriff or other the returning officer of the county as prescribed in the preceding section; And the Sheriff or other returning officer as aforesaid shall publicly, at the Court-House aforesaid, ascertain by fair addition of the suffrages returned, the whole number received for each Candidate in the county, and thereof shall make two statements under his hand, one of which he shall file in the office of the Clerk of the Court of Pleas and Quarter Sessions of his county, and the other by himself or Deputy shall attend on the day and at the place herein after mentioned.

VI. *And be it further enacted by the authority aforesaid,* That the Sheriffs or other returning officers of the counties of each district shall meet on the Thursday next after each election, at the Court House of the county first mentioned in their respective Districts: *Provided always,* That if any accident shall happen to either of the returning officers which may prevent any or either of them from meeting on the day aforesaid, the returns of each and every officer shall be received on the day following; and the Sheriff or other returning officer failing to attend at the time and place above mentioned, shall forfeit and pay the sum of fifty pounds, to be recovered for the use of the state, upon due proof thereof in any Court of Law within this state, by an action of debt in the name of the Treasurer of the State, for the time being: And when the Sheriffs or other returning officers shall be convened as aforesaid, the poll for the different counties shall by the said Sheriffs or other returning officers, (as the case may be) in presence of three Justices of the Peace, who are to be summoned by the Sheriff or other returning officer of the county where they shall meet for that purpose, be examined and compared, and a certificate under the hands and seals of said returning officers shall be given to the candidate in each district for whom the greatest number of votes shall have been given in said district: But if two or more candidates shall have an equal number of votes, the said returning officers shall determine which of them shall be the representative; And if no decision is by them made then they shall decide the same by drawing in like manner as the Grand Jury is drawn for in the Superiour Courts.

Where the Polls are to be compared.

Penalty for not making returns

VII. *And be it further enacted by the authority aforesaid,* That each and every person who shall be duly elected a representative under this act, shall, upon obtaining a certificate of his election according to the direction above mentioned, obtain from his Excellency the Governor, a Commission certifying his appointment as a representative of this State, which certificate the Governor is hereby empowered and required, on such certificate being produced to him, to issue.

Commissions to be granted.

VIII. *And be it further enacted,* That every Sheriff or other the returning officer holding elections in pursuance of this act, shall be allowed the sum of twenty-five shillings for every thirty miles travelling to, and returning from the place of comparing the polls in the district; and the same sum for every day he shall necessarily attend for the purpose of comparing said polls; and also, the amount of his ferriages, which shall be paid by the Treasurer on affidavit of the Sheriff or returning officer aforesaid.

Sheriff's allowance.

IX. *And be it further enacted,* That in the event of the death or resignation of any representative or representatives of this State, in the present Congress of the United States, the vacancy or vacancies so occasioned, shall be supplied by the suffrages of the electors from the same district by which the deceased or resigned representative was originally elected.

How Vacancies are to be filled.

#### CHAPTER VII.

An Act to authorise Justices of the Peace out of Court to take Security in certain Cases.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the passing of this Act, it shall be lawful for any Justice of the Peace out of Court, when any trial is before him, and he gives Judgment for any sum against any person who wishes either to Appeal or Stay the Execution and is unprovided with Securities upon the day of trial, to grant such person ten days to give approved securities for an Appeal or Stay of Execution, as the case may be, and shall make an entry thereof upon the Warrant: *Provided always,* That nothing in this Act shall be construed so as to

Ten days to be allowed for giving security.



1812. prevent the plaintiff from taking out Execution at any time before the same shall be stayed or an appeal granted.

Of Executions II. *And be it further enacted*, That if an Execution shall issue upon any Judgment where the defendant prayed an Appeal or Stay of Execution before the ten days be expired, that upon security being given as by this act directed, such execution shall be returned to the Justice of the Peace who issued it and shall not be acted on by any officer, and the officer or other person who has any such execution shall, on due notice given to him in writing from the Justice who granted the execution, deliver up the same, or be liable to the action of the party grieved.

Former laws repealed. III. *And be it further enacted*, That all Laws and clauses of Laws coming within the meaning and purview of this Law, be and the same are hereby repealed and made void.

#### CHAPTER VIII.

An Act to suspend Executions for a time therein limited.

Executions may be stayed till 1st February 1814, on sufficient security being given. *BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That when any judgment shall be obtained for any debt or damages in any Court having jurisdiction thereof, against any debtor or debtors at any time after the thirty first day of the present month of December and before the first day of February one thousand eight hundred and fourteen, it shall be the duty of such Court before whom such judgment shall be obtained, to stay execution and all further proceedings thereon until the first term or regular session of such Court after the first day of February one thousand eight hundred and fourteen, on such debtor or debtors first giving two sufficient Freeholders (such as shall be approved of by the Court) securities for the stay of execution; an acknowledgment of such securities in open court, and entered on the records of the same, shall be considered as part thereof; and if such judgment shall not be paid with six per cent. interest thereon before the first term or session of the Court after the first day of February one thousand eight hundred and fourteen, it shall then be the duty of said court immediately to award execution in a summary way against the principal and his securities for the full amount of each judgment, or so much thereof as shall remain unpaid, together with the lawful interest thereon and costs.

Before Justices II. *And be it further enacted*, That when any judgment shall be obtained before any Justice of the Peace against any debtor or debtors, on or after the thirty-first day of the present December, it shall be the duty of such Justice of the Peace, before whom such judgment shall be obtained, to stay execution and all further proceedings thereon until the first day of February in the year of our Lord one thousand eight hundred and fourteen, on such debtor or debtors first giving sufficient security in two free-holders, (such as shall be approved of by said Justice) for the stay of execution; and if such judgment, with six per cent interest thereon, be not paid and satisfied before the first day of February one thousand eight hundred and fourteen, then it shall be the duty of the Justice of the Peace, on application, to award execution *instantly* against the principal and his securities for the full amount of such judgment or so much thereof as shall remain unsatisfied, together with the lawful interest thereon and costs: *Provided*, That nothing herein contained shall be so construed as to prevent any defendant or defendants from claiming or obtaining the stay of execution as heretofore practised.

Proviso. III. *And be it further enacted*, That it shall be the duty of every sheriff, constable or other officer to whom any other execution has been or shall be directed, in consequence of any judgment already obtained, or which may be obtained before the thirty first day of December current, to stay all further proceedings thereon on the person or persons against whom such execution has or shall have issued, first giving bond with two sufficient free-holders securities, in the full sum specified in the execution, payable to him, her or them for whose debt or damages such execution aforesaid has, or shall have issued; which bond, together with the execution, the sheriff, constable or other officer shall return to the Court or Justice of the Peace to whom the same shall be made returnable; and the Court or Justice of the Peace on such return being made, should they think such securities fully sufficient, shall stay all further proceedings on such execution until the expiration of the times respectively specified in the first and second sections of this act; and at the expiration of such times it shall be the duty of such Court or Justice respectively to award execution in a summary way against the principal and his securities for the full amount of such bond, or so much thereof as shall remain unpaid, together with the lawful interest thereon; and the constable or other officer shall receive from the principal giving such bond the sum of two shillings for the same.

Stay on previous judgments VI. *And be it further enacted*, That when any sheriff, constable or other officer has levied, or shall have levied on any goods, chattels, lands and tenements before the



thirty first day of December current, by virtue of any execution, or has arrested or imprisoned, or shall have arrested or imprisoned before that day, any person by writ of *Capias ad Satisfaciendum*, which has or shall have issued for any debt or damages, it shall be the duty of such Sheriff, constable or other officer, on bond with sufficient security being given (as prescribed in the third section of this Act) to deliver the property thus levied on, to the debtor on demand, and release the person arrested or imprisoned from custody. 1812.

Persons and property to be given up on the tender of sufficient security.

V. *And be it further enacted*, That nothing herein contained shall be deemed to apply to judgments or executions which are or may be obtained, or issued in consequence of any contract made after the first day of January next, or in the name of the State, or at the instance of the Treasurer, or to alter the mode by which such judgments and executions are carried into effect, or to exonerate Clerks, Sheriffs, county Treasurers, or Treasurers of Public buildings, and Constables from paying and satisfying on execution, or otherwise, all such sums of money as they have received, and collected by virtue of their office, and if execution issues against any of them, their property shall be sold to the highest bidder to satisfy such execution; any thing herein contained to the contrary notwithstanding. Cases in which this act does not apply.

VI. *And be it further enacted*, That nothing herein contained shall be so construed as to prevent Clerks, Sheriffs, County Treasurers or Treasurers of Public buildings from collecting such monies as may be due them for the use of the public.

VII. *And be it further enacted*, That this Act shall be in force and operation immediately from the ratification thereof.

#### CHAPTER IX.

An Act directing the method of appointing Electors, to vote for a President and Vice President of the United States.

WHEREAS it appears by the last Census of the population of the United States, and by the Act of Congress making the apportionment of representation, that this state is entitled to fifteen Electors to vote for a President and Vice President of the United States :

Preamble.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That this State shall be divided into Fifteen Districts for the purpose of choosing Electors to vote for a President and Vice President of the United States, in the following manner, to wit: the counties of

The State divided into 15 Districts.

Burke, Buncombe, Rutherford and Haywood shall compose one district; the counties of Wilkes, Iredell, Surry and Ashe shall compose one district; the counties of Mecklenburg, Cabarrus and Lincoln shall compose one district; the counties of Rowan and Montgomery shall compose one district; the counties of Rockingham, Stokes and Caswell shall compose one district; the counties of Randolph, Guilford and Chatham shall compose one district; the counties of Richmond, Anson, Roberson, Moore and Cumberland shall compose one district; the counties of Person, Orange and Granville shall compose one district; the counties of Johnston, Wake and Wayne shall compose one district; the counties of Warren, Franklin, Halifax and Nash shall compose one district; the counties of Bertie, Northampton, Hertford and Martin shall compose one district; the counties of Pasquotank, Gates, Chowan, Perquimons, Camden and Currituck shall compose one district; the counties of Beaufort, Edgecomb, Pitt, Washington, Tyrrell and Hyde shall compose one district; the counties of Craven, Green, Lenoir, Jones, Carteret and Onslow shall compose one district; the counties of Bladen, Sampson, Columbus, Duplin, New-Hanover and Brunswick shall compose one district.—That the persons qualified to vote for members of the House of Commons of the General Assembly of this state, in the said counties, respectively, shall meet on the second Thursday in November, one thousand eight hundred and sixteen, at the place or places by Law established in their several counties, for the election of members of the General Assembly, and then give their votes for some discreet person being a free holder and actually resident within the district in which said votes are given, as an Elector to vote for the President and Vice President of the United States. That the poll shall be held in the same manner as for the election of members of the General Assembly; and the Sheriffs of the counties within the several districts herein established, shall on the Thursday after the second Thursday of November, one thousand eight hundred and sixteen and on the Thursday following the said second Thursday in November in every four years thereafter, meet at the Court-House in the county first named in such district, and then and there compare the pools taken at the elections in their several counties, and having ascertained by faithful addition, and comparison of the number of votes, the person having the greatest number of votes, giving their own votes in case the two foremost on the poll have an equal number of votes, but in case no one of them shall then have a majority, it shall be determined by drawing lots, shall proceed to certify such election under their hands in manner and form fol-

Time and place of holding Elections, &c.

When candidates have equal votes.



1812. *Form of Sheriff's return.* lowing, to wit: We A. B. Sheriff of                      county, (or Deputy Sheriff as the case may be.) C. D. Sheriff of                      county, (and so on reciting the names of the Sheriffs or returning Officers of the several counties within the district composing one entire district entitled by law to appoint an Elector to vote for a President and Vice President of the United States,) do hereby certify that at an election, held on the days and places appointed by law within our respective counties, the voters qualified to vote for this purpose have chosen                      as an Elector to vote for a President and Vice President of the United States: given under our hands this                      day of                      in the year                      And two fair Duplicates of such certificate, and return shall be made by the said Sheriffs or their Deputies, (as the case may be,) under their hands, one of which shall be delivered to the person elected to represent such district, and the other shall be transmitted to the Governor within twelve days, under the penalty of fifty pounds upon each and every Sheriff holding such election, in case of his or their failure in so doing, to be recovered by the Attorney or Solicitor General to the use of the state, by action of debt in any Court of Record within the state, in the name of the Governor; and the Governor shall upon receipt of such certificates, proceed to make out and certify three lists of the names of the persons so chosen, which lists he shall cause to be delivered to the said Electors on or before the first Wednesday of December then next ensuing, as directed by the Act of Congress.

*Governor to cause certified lists to be made out, &c.*

*Elections to be held every four years.*

*When and where the Electors are to give their votes.*

*Provision in cases of vacancies.*

*Penalty for failing to attend, &c.*

*Allowance.*

II. *And be it further enacted*, That four years after the election above described, and every four years thereafter, there shall be in the several districts herein made and prescribed, another election of Electors to vote for a President and Vice President of the United States, to be held on such days, and at such places as are herein before prescribed; and all such acts, matters and things as are herein directed to be done and observed at and after the election herein directed by the Governor of the state, and by the Sheriffs of the counties composing the aforesaid districts, shall be done and observed at every subsequent election by the Governor for the time being, and by the then Sheriff of the several counties in the respective districts aforesaid, under the rules, regulations and penalties herein prescribed and directed.

III. *And be it further enacted*, That the Electors chosen under this act shall assemble in the city of Raleigh, on the first Wednesday of December, one thousand eight hundred and sixteen, and on the first Wednesday of December next after their appointment in every year, that they shall be appointed and give their votes for a President and Vice President of the United States.

IV. *And be it further enacted*, That whenever the offices of President and Vice President shall both become vacant, it is hereby declared to be the duty of the Governor of this state upon receiving a notification of such vacancy, from the Secretary of State of the United States, forthwith to issue his proclamation directing the Sheriffs of the several counties of this state, to hold elections within their respective counties, for the appointment of Electors of President and Vice President of the United States, on the days of the year in which such vacancy may happen, as are herein prescribed for holding the regular and stated elections: *Provided*, That there shall be a space of two months between the date of such notification and the said first Wednesday in December, next following the date of said notification: But if there should not be the space of two months between the date of the said notification, and the said first Wednesday in December, then the Governor shall specify in his proclamation, that the Electors shall be appointed or chosen in the year next ensuing the date of such notification on the days herein before stated, and it is also hereby declared that the Electors appointed in the manner directed by this section, shall meet at Raleigh, on the first Wednesday in December after their appointment, and give their votes for a President and Vice President of the United States.

V. *And be it further enacted*, That each Elector chosen pursuant to this act, with his own consent, previously signified, failing to attend and vote for a President and Vice President of the United States, at the time and place herein directed, shall, except in case of sickness or other unavoidable accident, forfeit and pay two hundred pounds, to be recovered by the Attorney or Solicitor General, to the use of the state by action of debt in any Court of Record; and any Sheriff or returning officer refusing to take the poll when he shall be required by a person qualified to vote, or making or signing a false certificate or return of an election as herein directed, or making any erasure or alteration in the poll books, or refusing to suffer any Candidate or person qualified to vote at his own expence to take a copy of the poll books, shall forfeit and pay one hundred pounds, which may be recovered with costs in any Court of Record, by any person who will sue for the same, in an action of debt one half to his own use, and the other to the use of the state.

VI. *And be it further enacted*, That the Electors appointed in pursuance of this act shall be allowed for their travelling to the city of Raleigh, and their attendance, the same compensation as by Law is allowed members of the General Assembly.



and shall be entitled to the same privileges as members of the General Assembly, and the same allowances shall be made to the Sheriffs for their travelling expences and attendance to compare the polls, with an additional allowance for the expences they may incur by conveying the duplicate of their certificate to the Governor. 1812.

Sheriff's pay.

VII. *And be it further enacted*, That in case any of the Electors chosen as by this act directed, to vote for a President and Vice President of the United States, should by reason of sickness or any other cause be unable to attend and give their votes as herein prescribed, the other Electors then present shall and may by vote appoint some other person belonging to the district for which the person or persons so failing to attend shall have been chosen, to supply the place or places of the person or persons not attending as aforesaid, and the person or persons so appointed by the Electors shall be deemed and considered to all intents and purposes, as the Elector or Electors of the district out of which he shall be chosen as aforesaid, and as such shall give his vote in the same manner as the other Electors chosen for the several districts herein established.

In case of vacancies.

VIII. *And be it further enacted*, That all laws coming within the purview of this act be repealed and made void. Former laws repealed.

#### CHAPTER X.

An Act to extend the right of Challenge in certain cases.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That in all cases hereafter to be tried in any Court of Record within this state, in which the state shall be a party, the defendant or defendants shall have the right of Challenging peremptorily and without shewing cause, the number of four Jurors; and in all civil Causes to be tried in any of said Courts hereafter like right of Challenge shall be extended to either party thereto: *Provided*, That nothing in this act shall be considered to extend to or affect capital cases: Any Law to the contrary notwithstanding. Four Jurors may be challenged in civil cases.

#### CHAPTER XI.

An Act allowing further time for Registering Grants, proving and Registering Deeds, Mesne Conveyances, Powers of Attorney, Bills of Sale, and Deeds of Gift.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That all Grants for Lands in this state; all Deeds of Mesne Conveyance; Powers of Attorney under which any Lands tenements or hereditaments have been or may be conveyed; Bills of Sale, Deeds of Gift, already proved as Deeds of Conveyance, are required to be proven or which may hereafter be proved, shall and may within two years after the passing of this Act be admitted to registration under the same rules and restrictions as heretofore appointed by Law; and said Grants, Deeds, Mesne Conveyances, Powers of Attorney, Bills of Sale and Deeds of Gift shall be as good and valid as if they had been proved and registered within the time heretofore allowed: Any Law to the contrary notwithstanding. Two years allowed.

#### CHAPTER XII.

An Act for the distribution and preservation of Arms received by this State, under the Act of Congress for arming the Militia of the United States.

*BE it enacted by the General Assembly of North-Carolina, and it is hereby enacted by the authority of the same*, That the arms already received under the said Law of Congress, as the Quota of this State, shall be distributed in the following manner, that is to say; To each of the counties of Camden, Pasquotank, Perquimons, Chowan, Gates, Hertford, Bertie, Northampton, Halifax, Martin, Washington, Edgecomb, Pitt, Beaufort, Hyde, Craven, Carteret, Sampson, Cumberland, Brunswick, Columbus, Bladen, Jones, Duplin, Lenoir, Haywood, Buncombe, sixty four stands of arms; to the county of New-Hanover, one hundred and twenty-eight; to the counties of Onslow and Currituck, ninety-six each; to the county of Wake, eighty-two stands of arms; *Provided always*, That nothing contained in this act shall be construed to extend to the arms already distributed to and among the Independent and Militia companies of the Town of Fayetteville. Arms distributed.

II. *And be it further enacted*, That the Governor of this State, shall forthwith cause the Quota of arms by this act assigned for each of the before mentioned counties, to be delivered to the Colonel Commandant thereof, to be by him placed in the hands of such company of Militia of the said county as he may think fit; and the said Colonels Commandant shall take the necessary measures and give the necessary orders for keeping the said arms safe and in good order; and where there now are, or hereafter may be more than one Colonel Commandant in any one county, and they cannot agree in which company's hands the said Quota of arms shall be placed, they shall apply to their immediate Brigadier General, who shall direct to which company the said arms shall be given. Executive to cause the arms to be delivered.



1812.

Distribution  
of arms that  
may hereafter  
be received.

III. *And be it further enacted*, That when and as often as this State shall receive any other quota of arms, under the said Law, or any other Law of the United States, the Governor of this state for the time being shall cause the same to be divided among the following counties, to wit: Tyrrell, Greene, Nash, Wayne, Johnston, Rutherford, Franklin, Warren, Granville, Robeson, Richmond, Moore, Montgomery, Anson, Mecklenburg, Lincoln, Burke, Ashe, Wilkes, Iredell, Rowan, Cabarrus, Randolph, Chatham, Orange, Person, Caswell, Guilford, Rockingham, Stokes and Surry; to each sixty-four stands of arms; giving priority in the said distributions in the order in which the said counties are herein enumerated, and giving to each county its whole allotment of sixty-four stands of arms at one time; and the said arms shall be disposed of by the Commanding Officers of the respective counties above enumerated in the manner herein before directed, and under the same responsibility.

Concerning  
the same.

IV. *And be it further enacted*, When by the distribution aforesaid sixty-four stands of arms shall have been allotted to each county, so as completely to equip one company therein, then the Governor for the time being shall proceed in like manner, and under the same rules and regulations, to equip another company in each county, giving priority in the said distributions to the different counties in the order in which they are herein enumerated. And shall in like manner, and under the same rules and regulations, proceed in equipping one company after another in each county until the whole Militia of this state are armed: *Provided always*, That when the number of stands of arms delivered to any county shall be equal to the number of the Militia therein, the said county shall be entitled to no further distribution of arms.

Penalty for  
abusing the  
arms.

V. *And be it further enacted*, That every non-commissioned officer and private belonging to any company so equipped, shall keep, and preserve his arms and accoutrements in good order, and in a soldier like manner; and for every refusal or neglect to do so, shall be fined by the Court Martial of his company a sum not less than two dollars, nor more than ten dollars; which fines, and all other fines imposed by the said Court Martial, shall be laid out and expended under the direction of the Captain, in procuring and preserving Catridges, and for other Military purposes; and if any of the companies so equipped shall generally keep their arms in a negligent and unsoldier-like manner, the Court Martial of the Regiment to which any such company belongs, shall and may deprive said company of the public arms and accoutrements, and bestow them on some other company belonging to the said Regiment, which last mentioned company shall receive and keep the said public arms and accoutrements on the terms, and under the regulations prescribed by this act.

Fine and im-  
prisonment for  
selling arms.

VI. *And be it further enacted*, That if any person or persons to whom the public arms and accoutrements, or any of them shall be confided, shall sell or in any manner embezzle the same or any part thereof, and be thereof convicted in any Court of Record, he or they shall forfeit and pay, by sentence of the said Court, for the use of the state, a sum not less than twenty dollars, nor more than fifty dollars, for every stand of arms and accoutrements so sold or embezzled; and shall, moreover, be imprisoned for a period not less than one month, nor more than twelve months: and every person, or persons purchasing any of the said public arms and accoutrements, knowing them so to be, shall be prosecuted in the same manner, and shall on conviction, be liable to like penalties, and imprisonment as the seller or embezzler thereof.

In case of  
death.

VII. *And be it further enacted*, That when any non-commissioned officer, or private, belonging to any of the said companies, shall die, remove from the county, or be excused from performing Military duty, it shall be the duty of the Captain of the company to which he belonged immediately to take the arms and accoutrements of the person so dying, removing or excused, into his possession, and deliver to whoever shall succeed thereto, in the said company; and the said Captain shall keep the said arms and accoutrements safely and in good order while they remain in his possession.

Detachments  
to be furnished

VIII. *And be it further enacted*, That the Governor shall have power to order the Colonel Commandants of those counties, where any of the arms may be distributed, to place the same in the hands of any detachment or detachments of Militia of this state ordered into the service of the United States during the present war with Great Britain, if the same shall be deemed by him necessary.

#### CHAPTER XIII.

An Act to prevent unnecessary Costs and expences hereafter in the mode of suing for and recovering forfeited recognizances, in the several Courts of this State.

Preamble.

WHEREAS the present mode of suing for and recoving forfeited recognizances, as heretofore practised in the several Courts in this State, are grievously oppressive; for remedy whereof,



*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That in future when any Clerk of any of the Superior Courts of Law or Pleas and Quarter Sessions in this State, shall have occasion, or be required to issue scire facias, or other process, against any person or persons, who shall in future have forfeited any recognizance or recognizances entered into as principal in any one case, and who shall have given one or more persons as bail or security in such recognizance or recognizances, or otherwise caused such bail or sureties to become bound or recognized for and in behalf of such principal as aforesaid, in any one case as aforesaid, and such sureties shall also have forfeited such recognizance or recognizances so entered into, as aforesaid, it shall be the duty of such Clerk to issue a joint scire facias, or such other joint process as may be deemed legal and necessary against such principal, including such surety or sureties, therein designating who are principals, from those who are sureties; also specifying therein the respective sums or penalties which each shall have forfeited, and for which they are required to answer by virtue of said process.

1812.

Clerks restricted from issuing separate sci. fa's against bail, &c.

II. *And be it further enacted,* That the Sheriff or other officer who may be authorized and required to serve or execute such scire facias, or process, shall do so by serving a copy of such process on each of the defendants, or by leaving a copy at the place of residence of such delinquent or delinquents, or in such other manner as heretofore required by Law.

Sheriff to serve each defendant with a copy.

III. *And be it further enacted,* That when the Clerk or Clerks aforesaid shall enter said suit, on the record or records of their respective Courts, to which such process or suit shall be returnable, he shall consolidate and enter the same so as to make but one suit, and on which it shall be Lawful to recover or otherwise receive but one set of costs, such as was heretofore recoverable on a single suit of the description aforesaid; the Sheriff's fees for service of process excepted; and should any of the Clerks, or other persons aforesaid, be guilty of charging in their bill of cost, or otherwise exacting any higher or greater costs than by Law shall be due on one single suit as aforesaid, shall be liable to amercement of fifty pounds, to be recovered and paid to the use of the person or persons injured: *Provided,* That nothing herein contained shall be construed so as to prevent any defendant in such suits from serving and pleading separately; in which case it shall be at the discretion of the Court to award separate costs.

Clerk to receive but one set of costs.

Exception

IV. *And be it further enacted,* That this act shall be in force from and after the ratification thereof.

## CHAPTER XIV.

An Act further regulating the fees of Officers.

WHEREAS a want of uniformity is alledged to exist in estimating the legal fees of Officers in consequence of dollars being rated in some counties at Eight, and in others at Ten Shillings; for remedy thereof,

Preamble.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That in the payment of fees to officers of whatever nature or kind, dollars, and the parts of dollars, shall always be valued at the rate of Ten Shillings for the dollar: And that any officer receiving dollars or parts of dollars at a less rate shall be liable to all the penalties of extortion.

Dollars to be rated at ten shillings.

## CHAPTER XV.

An Act directing the place at which the Electors, appointed on the twenty-first day of the month of November last, to vote for President and Vice President of the United States, shall meet and give their votes, and for other purposes.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the Electors appointed on the twenty-first day of the month of November last, to vote for a President and Vice President of the United States, shall meet in the city of Raleigh, on the day prescribed by Law for the purpose, and vote for President and Vice President of the United States, agreeably to the Constitution and Laws of the United States.

Electors to meet in Raleigh.

II. *And be it further enacted by the authority aforesaid,* That the said Electors shall be allowed, for their travelling to and from the city of Raleigh and their attendance, the same compensation as is allowed to Members of the General Assembly, to be paid by the Treasurer on the certificate of the Speakers of the two houses of the General Assembly: *Provided,* That no Elector, who is a Member of the General Assembly or officer of either house, shall be allowed for travelling or attendance as an Elector.

Compensation.

III. *And be it further enacted,* That if any of the said Electors shall fail to attend in the city of Raleigh for the purposes of their said appointment, before nine o'clock in the afternoon of this day (the first day of December,) it shall be the duty of those of the said Electors, who shall attend at that time, to appoint another or other per-

In case of failing to attend.



1812. son or persons to act as Elector, or Electors, in the place of him or them, who shall not attend at the time of giving their votes for President and Vice President of the United States: *Provided*, That if the Electors heretofore chosen shall attend by twelve o'clock on the second of December, then, that those Electors shall give their votes for President and Vice President of the United States, otherwise the votes to be given by those who shall be appointed in their place, agreeably to this Section.

IV. *And be it further enacted*, That this Act shall have operation and be in force immediately after the Ratification thereof.

#### CHAPTER XVI.

An Act directing the duties of the Secretary of State in certain cases, and more effectually to provide for the safe keeping of the Public Records, Books and Documents.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That it shall be the duty of the Secretary of State to collect all the Books and Documents received, and intended for the use of the Legislature from the Executives and Legislatures of the several States, and the Acts and Journals of Congress, together with the Public Documents received from the Executive and the Congress of the United States; also all the Treaties entered into on the part of this State; the Laws, Acts and Journals of the General Assembly, and all other Books and Documents, received and intended for the use of the Legislature; all which Books and Journals, Laws and Documents, not already well bound and lettered, shall be neatly bound, lettered and numbered, under the direction of the Secretary of State, who shall place the same in his office in a Book Case, to be procured by the said Secretary for this purpose: And the Secretary shall make a catalogue of all the books, documents, laws, acts and journals, hereby directed to be by him collected and preserved, and report the same to the next General Assembly, and the said books and documents, shall be kept for the use of the Members of the General Assembly, Heads of Departments and Judges of the Supreme Courts only; and shall be lent and returned under such rules and regulations as the Secretary shall from time to time establish.

Certain papers, books, & documents to be collected & bound up, &c.

Report to be made to the next Assembly

Treaties to be transcribed in well bound books.

II. *BE it further enacted*, That it shall be the duty of the Secretary of State, to transcribe into a well bound book all the Treaties entered into on the part of this State, and preserve the same as a record thereof: And for this service as well as other services imposed upon the Secretary of State by this Act, he shall receive a compensation to be estimated by the Governor, Treasurer and Comptroller, and to be paid by the Treasurer upon their certificate; and the expences of the Book Case directed by this Act to be procured, shall be stated at large by the Secretary and upon its being filed with the Treasurer, shall be by him discharged.

Secretary's Fees.

III. *BE it further enacted*, That in all cases not already provided for by law, the Secretary of State shall receive the same fees for copies of records from his office, that are allowed by law to the Registers of the several counties in this state.

#### CHAPTER XVII.

An Act to repeal so much of the sixth section of an Act, passed in the year 1783, entitled "an Act for facilitating the navigation and regulating the pilotage of the several ports of this State," as permits Negro Slaves to act as pilots, and for other purposes:

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That so much of the sixth section of an act passed in the year 1783, entitled "an act for facilitating the navigation, and regulating the pilotage of the several ports of this State," as provides that Negroes, after performing certain requisites therein mentioned, shall be entitled to a certificate to act as Pilots, be, and the same is hereby repealed and made void.

Negroes not permitted to act as Pilots.

Penalty.

II. *And be it further enacted*, That from and after the passing of this act, if any Slave or Slaves shall, with the knowledge or consent of his or their owner, and not accompanied by a Pilot, go off to any ship or vessel for the purpose of bringing such ship or vessel over any bar or inlet of this State, or shall pilot any such ship or vessel out and over any bar or inlet, the owner of such Slave or Slaves shall forfeit the value of such Slave or Slaves, to be recovered in any Court having cognizance thereof, one half to the person suing for the same, the other half to the use of the County wherein the owner resides.

#### CHAPTER XVIII.

An Act for better regulating Apprentices.

Preamble.

WHEREAS Mechanics in the State frequently take Apprentices who are very young and for several years of their apprenticeship are rather a burthen than otherwise to their masters, and it frequently happens that such Apprentices when they might be expected to be useful to their masters, absent themselves from their service whereby many suitable persons are discouraged from taking apprentices, and the Laws in being are not sufficient to prevent these inconveniences; For remedy whereof,



*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the first day of January next, if any apprentice who shall be well used by his master, and who shall have received from his said master not less than six months Schooling, shall absent himself after arriving to the age of eighteen years from his masters service, before the term of his apprenticeship shall be expired, every such apprentice shall at any time or times thereafter, whenever he shall be found, be compelled to make satisfaction to the master for the loss he shall have sustained by his absence from his service before the time of his contract shall be fulfilled, and in case any apprentice shall refuse to make such satisfaction to his master, such master may recover by warrant, issued and returnable before any Justice of the Peace, such satisfaction, not exceeding thirty pounds, as such Justice may determine shall be made to such master by such apprentice, or such master may maintain his action on the case against such apprentice and recover his damages as a Jury may award in any Court having cognizance thereof: *Provided,* That the judgments of any justice upon a trial under this act shall be subject to the same right of appeal or stay of execution as in other cases of judgments by Justices of the Peace: *Provided also,* That no apprentice shall be compelled to make any satisfaction to any master after the expiration of seven years, next after the end of the term for which such apprentice shall have contracted or shall have been bound to serve; any thing herein contained to the contrary notwithstanding.

Apprentice  
subjected to  
damages for  
running away

Exception.

#### CHAPTER XIX.

An Act to authorise Mrs. Ann White, widow and Executrix of the last Will and Testament of William White, late Secretary of State of this State, to cause to be recorded certain Grants.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That Ann White, widow and Executrix of the last Will and Testament of William White, late Secretary of State, be and she is hereby authorised to cause to be recorded in the office of Secretary of State all such Grants as were issued and the fees received upon them by her said husband, which remain to be recorded: and that she be permitted to contract with and employ for the purpose above said some suitable person to be approved of by the present Secretary of State, and who shall make such entries of Record under the direction of the said present Secretary of State, without any charge therefor to the state: *Provided,* such entries be made before the first day of June next; and if the said grants shall not be entered of record in the manner and by the time above prescribed, the Secretary of State for the time being is hereby authorised and required to cause said grants to be recorded, and to charge the expence incurred therefor to the estate of the said William White.

Grants to be  
recorded by  
the 1st June.

II. *And be it further enacted,* That the Grants to be recorded under the provisions of this act shall be on the same footing in all respects as evidence and as furnishing originals from which to obtain evidence as other records in the office of the Secretary of State.

Evidence.

III. *And be it further enacted,* That this act shall be in force from and after the ratification thereof.

#### CHAPTER XX.

An Act to amend an Act entitled "An Act directing the method of electing Members of the General Assembly," and for other purposes.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That all Inspectors hereafter to be appointed for the purpose of superintending any election for Members of the General Assembly, shall, before they enter upon the duties of said appointment, take an oath or affirmation, to be administered by the Sheriff, or in case of his absence, by some Justice of the Peace, to conduct the election which they are appointed to superintend fairly and impartially, according to the constitution and laws of the State.

Inspectors of  
Elections must  
be sworn.

II. *And be it further enacted,* That the Deputy Sheriffs holding any election as aforesaid, shall take the oaths or affirmations prescribed in the foregoing section, to be administered to the Inspectors of elections.

#### CHAPTER XXI.

An Act to revive and continue in force an Act passed in the year eighteen hundred and ten, directing the manner and time in which Surveys of Land were to be made and returned into the Secretary's Office.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That all bona fide entries of land in the State, which have been paid for as by law directed, shall have until the first day of January, in the year one thousand eight hundred and fifteen for surveys to be made and returned into the Secretary's Office; any law to the contrary notwithstanding.

Allowed till  
1815 to make  
surveys, &c.

II. *And be it further enacted by the authority aforesaid,* That this act shall be in force from the ratification thereof.



1812.

## CHAPTER XXII.

An Act making the Protest of a Notary Public evidence in certain cases.

Protests of a  
Notary or Jus-  
tice of Peace  
evidence.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That in all actions at law, wherein it may be necessary to prove a demand upon the drawer of a Bill of Exchange or the maker of a promisory note or other negotiable security, the Protest of a Notary Public, or for want of a Notary Public, of a Justice of the Peace, shall be evidence of the demand as in cases of foreign bills of exchange.

## CHAP. XXIII.

An Act requiring Notice of their appointment to be given to Overseers of Roads, Rivers and Creeks.

Clerks to fur-  
nish Sheriffs  
with 2 Orders:

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the passage of this Act, it shall be the duty of the Clerks of each and every County Court of Pleas and Quarter Sessions of this State, within ten days after the rise of each Court, to furnish their respective Sheriffs, with two copies of each order, appointing Overseers of the Roads or Rivers or Creeks, that may have been made during the sitting of the said Court.

Sheriff to  
serve the no-  
tice within 20  
days.

II. *And be it further enacted,* That it shall be the duty of the Sheriffs receiving the same within twenty days after receiving the same to serve each person so appointed as Overseer of a Road, River or Creek, with one copy of said orders, or leave the same at his usual habitation, and the other copy it shall be his duty to return to the next County Court happening thereafter, endorsed on the back with the date of the service, or the date when left at the residence of said Overseer.

III. *And be it further enacted,* That no Overseer shall be responsible for the insufficiency of the road, river or creek, of which he is appointed Overseer, until ten days after he shall be served with the notice of his appointment.

## CHAP. XXIV.

An Act to amend the Eleventh Section of an Act passed in the year seventeen hundred and eighty-four, entitled "an Act to empower the County Courts of Pleas and Quarter Sessions of the several Counties of this State, to order the laying out Public Roads, and to establish and settle Ferries and to appoint where Bridges shall be built, and to clear inland creeks and rivers.

Allowed 15  
days to set up  
sign posts.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That no Overseer of any Public Road, shall be subject to any indictment for neglecting to set up Sign Posts at the forks of roads in the manner directed by the Eleventh Section of an Act passed in the year seventeen hundred and eighty-four, unless he shall fail to set up the same for the space of fifteen days.

## CHAP. XXV.

An Act relative to the power of Courts of Equity in cases of Partition.

Preamble.

WHEREAS doubts exist as to the power of Courts of Equity to order a Sale of Real Estate in cases of Partition, where an equal and advantageous division cannot be made.

Court autho-  
rized to order  
sale of prop-  
erty in certain  
cases.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for any Court of Equity in cases of application for a division of real estate, when it shall be suggested and made appear to the satisfaction of the Court, that an actual partition cannot be made without injury to some or all of the parties interested, to order a sale of the property upon such terms as such Court shall deem just and reasonable: *Provided always,* that whenever any of the parties shall be an infant, a feme covert, non compos, imprisoned or beyond the limits of this State, it shall be the duty of the Court to direct the part of the proceeds of the sale to which such person is entitled to be so invested or settled that the same shall be effectually secured unto the person so entitled, or his or her real representatives.

*Read three times and ratified in General Assembly,*  
the 25th day of December, 1812:

GEO. OUTLAW, Speaker of the Senate,  
W. MILLER, Speaker of the House of Commons.

2 true copy,

WM. HILL, Secretary.



## CHAP. XXVI.

1812

An Act to incorporate a Company to build a Bridge across Tar-River, near the town of Washington in Beaufort County, and to make a Road through a Swamp adjacent thereto.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That a Company composed of subscribers, their successors, and assigns be created and established a Corporation and body politic, in law and in fact, and shall be continued during the term of eighty years by the name and style of the "President, Directors and Company of the Washington Toll Bridge," and by the name and style aforesaid they are fully empowered and made capable to sue and be sued, to plead and be impleaded, to answer and be answered, to defend and be defended in any Court of Record whatever, or before any Justice of the Peace in this State; and also to make, have, and use a Common Seal, and to ordain and establish and put in execution such Bye-Laws, Ordinances and Regulations as may seem requisite or proper for the government of said corporation, not being contrary to the municipal laws of the land; and generally to do and execute all such acts and things as come within the common implied powers of Corporations and Bodies Politic, so far as the intended object of the institution may require.

II. *Be it further enacted,* That agreeable to the design and end of the said Corporation hereby so declared, the said Corporation are hereby authorised and fully empowered by their proper Officers herein after named, to build a Bridge across Tar River above the town of Washington in Beaufort county, and near said town, to commence at Bridge Street next above and adjoining a lot belonging to Walter Hanrahan, situate on the North West end of said town, and to extend across said river to the nearest land on the opposite side of the same, and from thence to make a Road and Causeway through the Marsh and Swamp to some convenient place of intersection with the road which now leads from Washington to Newbern; and the right and property of said Bridge and Road or Causeway, and the emoluments and profits arising therefrom shall vest in and belong to the stockholders or subscribers composing said Corporation, according to their proportionate share, and to their successors, representatives and assigns.

III. *And be it further enacted,* That the said Bridge and Road shall be sixteen feet wide, and that the said Bridge shall have a well constructed draw overhanging the channel of said river, proper and suitable to admit the passage of all such vessels whose destination may require their ascending or descending the river.

IV. *And be it further enacted,* That for the purpose of constituting a fund for building said Bridge and making said Road, books shall be open for subscriptions under the superintendence and direction of eight Commissioners at such place or places as they in their wisdom and discretion may prefer and adopt; and Franklin Gorham, Joseph Bell, Edward Graham, Slade Pearce, James O. K. Williams, William Kenneday, Walter Hanrahan and Edward Quin, are hereby named and appointed Commissioners, a majority of whom shall be sufficient to perform the duties of their appointment.

V. *And be it further enacted,* That the President and Directors shall have full and ample power to open books from time to time as may be deemed necessary, to receive further subscriptions for the aforementioned purposes; *Provided,* That no one person shall be permitted to take more than twenty shares, within thirty days after the books are first opened, and the sum of each share subscribed shall be Twenty-Five Dollars, one fifth of which shall be paid at the time of subscribing, and as soon as two hundred shares shall have been subscribed, the said Commissioners shall give thirty days previous notice, posted up at the Court House in the town of Washington, of the time and place of a General Meeting of the Subscribers, that the said Subscribers shall then and there elect Twelve Persons as Directors, and one of their number shall be appointed President and another Secretary, to conduct and manage the business of said Corporation, and in the month of November in every year afterwards successively, and other elections of Directors in like manner shall be had, except as to the notification which shall be made by the Secretary in pursuance of orders from the President.

VI. *Be it further enacted,* That the balance of the shares unpaid shall be paid by the Stockholders at such time and in such manner, and under such regulations as the directors may deem fit and expedient.

VII. *Be it further enacted,* That when it shall be required by way of petition from said Corporation, the County Court of Beaufort shall appoint and order a jury of good and lawful men to lay off said road, in a direction the nearest and best, and assess such damages as they may think just and reasonable, agreeable to an act of Assembly in such case made and provided; and when the said road and Bridge shall have been completed, the said Corporation shall be and they are hereby fully authorised to erect a Toll Gate on some part of the Bridge or road as to them shall seem preferable, and the following shall be the usual rate of toll of said gate, viz. One person five cents, one horse twenty cents, every two wheel carriage twenty-five cents, every four wheel carriage fifty cents, horned cattle ten cents, each hog and sheep five cents each, for each barrel five cents, for each hogshead twenty-five cents, for every thousand shingles five cents, for every thousand barrel staves ten cents, for every thousand hogshead staves twenty-five cents, for every thousand feet of lumber, plank, scantling and tun timber twenty-five cents, and all articles commonly sold by weight, for every hundred weight two and a half cents, for all articles sold by the bushel one and a half cents per bushel.

VIII. *And be it further enacted,* That the said Corporation shall keep the said road and bridge in good and sufficient repair under the penalty prescribed by law in cases of roads and bridges.

IX. *And be it further enacted,* That the President and Directors have full authority to appoint all such officers, not named and specified in this act, as the ends of the Corporation may require.

X. *And be it further enacted,* That the following Articles, Regulations and Provisions shall be received as standing Rules for the government of said Corporation:

*First.* Each Stockholder at every election shall have one vote for every two shares by him held more than one share, up to twenty shares, and one vote for every five shares exceeding twenty: *Provided always,* That no person shall be eligible to the office of Director unless he be a stockholder, nor shall any person vote as a stockholder for Directors unless such person shall have acquired his share or shares at least sixty days previous to the election.

*Second.* The President and Directors shall have full power to call a general meeting of the stockholders, when to them it may appear expedient to promote the good of the institution.



1812

*Third.* No general Bye-Laws or Ordinances or Regulations for the government of said Corporation shall be passed or established but by a general meeting of the Stockholders.

*Fourth.* The President and Directors shall upon the joint application of ten Stockholders, call a general meeting: *Provided*, their aggregate shares amount to thirty.

*Fifth.* At a general meeting of the Stockholders, in case of election of Directors, two thirds of the Stockholders, or such a number of the Stockholders as taken together shall hold two thirds of the shares of the whole capital, shall constitute a quorum; but for all other purposes a majority of the Stockholders, or so many as hold a majority of the whole number of shares, shall be a sufficient number to proceed to business.

*Sixth.* Seven Directors at least shall be required to constitute a Board for the transaction of business, of whom the President shall be one, except in case of sickness or necessary absence, in which case his place may be supplied by one chosen by the Directors present for the next meeting.

XI. *And be it further enacted*, That two hundred and thirty yards of the river, including the two Channels at the aforesaid Bridge be left unoccupied by piers.

XII. *And be it further enacted*, That the corporation hereby created, shall have power and authority, and are hereby authorised to contract for and purchase the right, title and interest of the proprietors, or any of them, of the Ferry across Tar River at Washington, in and to the said Ferry and the road leading thereto; and such interest so purchased to hold and enjoy in the same manner as the same is now held and enjoyed by the present proprietors.

XIII. *And be it further enacted*, That unless a sum not less than four thousand dollars shall be subscribed for the purposes contemplated by this act, before the first day of January one thousand eight hundred and fourteen, and unless the said Bridge shall be so far completed as to admit the passage of carriages within three years from the passage of this act, this act and every privilege hereby granted shall determine and be void: *Provided nevertheless*, That any and every contract which may have been entered into by the said Corporation, or the managers thereof may be thereafter enforced in the same manner as though this act had not determined.

#### CHAP. XXVII.

An Act to authorize Aaron Albertson of Pasquotank County, to make a Road and cut a Canal on the side of the same.

WHEREAS it has been represented to this General Assembly, that a road from Nathan Trueblood's mill near Elizabeth City, to Robert Perry's turnpike gate, and from Robert Perry's turnpike gate to Samuel Nixon's bridge in Perquimons county, would render a great convenience to travellers, and the inhabitants of the several adjoining counties, and Aaron Albertson of Pasquotank county having made application for permission to make the said road,

*BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That it shall be lawful for the County Courts of Pasquotank and Perquimons, and the said Courts are hereby required upon application, that they each appoint a jury of twelve men, who shall be possessed of a freehold in the county appointing the same, and it shall be lawful for the said jurors when appointed to go on the premises, and lay off said road, in such direction as to them shall appear most expedient; which jurors are also required to adjudge the damages, if any to them shall appear, that will be sustained by the owner or owners of any tract or tracts of land in consequence of said road and canal passing through the same, and make return thereof, each jury to the Court by which said jury was appointed; and it shall be the duty of the person or persons making said road to pay such damages before said road shall pass through such tract or tracts of land, but shall not be liable until the said canal shall enter the premises.

II. *Be it further enacted*, That the said Aaron Albertson shall have full power and authority to enter upon the premises after said road shall be laid off as aforesaid, with full privilege to cut a canal, not to exceed twelve feet in width, for the purpose of draining said road; and that he shall also have authority to open the way for said road on the canal, not to exceed forty feet in width, with the privilege to cut timber most convenient for the making and repairing the said road.

III. *And be it further enacted by the authority aforesaid*, That it shall be lawful for the said Aaron Albertson to erect a turnpike or gate across each of the said roads, and to ask, demand and receive from all persons passing either of them, the following toll, to wit: For each four wheeled carriage for pleasure, sixty two and a half cents; for each horse and chair, including the rider or riders, twenty-five cents; for a man and horse, twelve and a half cents; each foot passenger, six and a quarter cents; for each four wheeled waggon of burthen, thirty seven and a half cents; for each cart and single horse twelve and a half cents; for each cart and two or three horses, twenty cents; for each horse, mule or jackass in droves, six and a quarter cents; and for each cattle, hog or sheep in droves, three cents.

IV. *And be it further enacted*, That the said Aaron Albertson shall have full power and authority to erect one or more locks on said canal, for the purpose of making the same navigable; and it shall be lawful for him to receive and demand for all commodities passing said canal by water, the following Toll, to wit: For each thousand pipe staves, twenty-five cents; for each thousand hoggshead staves or heading, fifty cents; for each thousand eighteen inch shingles, six cents; for each thousand twenty two inch ditto, eight cents; for each thousand two feet ditto, twelve and a half cents; for each thousand three feet ditto, twenty cents; for each thousand barrel staves, forty cents; for each barrel of flour, pork, beef, fish, tar, pitch or turpentine, five cents; for each hoggshead of rum, molasses or other article contained therein, twenty cents; for each bushel of wheat, salt, corn, peas, potatoes or other articles generally sold by the bushel, one and a half cents; and for all goods, wares and merchandize in bales, boxes or otherwise, in proportion to five cents for the size of a flour barrel.

V. *And be it further enacted*, That it shall be lawful for the said Aaron Albertson to erect a mill or mills on the said canal, or near the mouth thereof; and that it shall be lawful for the county court, in which county he shall propose building such mill or mills, to appoint a jury in manner as is mentioned in the first section of this act, which jury shall go on the premises, and adjudge and lay off for said Albertson one acre of land in such manner as they may deem expedient, and at the time adjudge the value thereof, which he shall pay, and on the payment thereof the right of said land shall be vested in him and his heirs, for the purpose of erecting such mill or mills upon; and it shall be lawful for him to demand and receive toll, in the same manner and at the same rates that other mills in the old district of Edenton are entitled to.



VI. *And be it further enacted by the authority aforesaid,* That the sole right, use and benefit of the said canal and road shall be and the same is hereby declared to be vested in the said Albertson, his heirs and successors, for and during the term of ninety nine years, from and after the passing of this act.

CHAPTER XXVIII.

An Act empowering the County Court of Rutherford to reduce the width of Roads, and directing how hands shall be compelled to work under Overseers in said County.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the County Courts of said county, a majority of the Justices thereof being present, shall have power to direct what Roads shall be Public Roads, and what Roads shall be considered County Roads, and the County Roads shall not be required to be over twelve feet wide clear of stumps and runners.

II. *And be it further enacted,* That when any overseer finds it to be impracticable to clear out any part of a Public Road sixteen feet wide, he may prefer his petition to the County Court, and the Court shall appoint one Justice of the Peace and four Freeholders to view said Road; and if they shall, upon their oath, present to the Court that it is impracticable for the overseer with the hands allotted to him, to clear out and keep said Road or part of a Road, sixteen feet wide clear of stumps and runners, that then the Court shall pass an order in his favour reducing said Road to twelve feet, and he and all other overseers that may afterwards be appointed upon said Road, plead that order for his or their defence and benefit when-ever the same may be necessary; any law to the contrary notwithstanding.

III. *And be it further enacted,* That the County Court shall designate the hands who are to work upon the Roads in such a manner, that no person shall be compelled to work on more than one Road, if they live more than one mile from the town of Rutherfordton; and each overseer shall have his hands named to him by the Court in his order, and the overseer shall, in all cases on trials at law, be considered a competent witness to prove notices to persons who are directed by law to work upon Roads.

IV. *And be it further enacted,* That all laws and clauses of laws coming within the purview and meaning of this act, are hereby repealed and made void.

V. *And be it further enacted,* That this act shall be in force from and after the ratification thereof.

CHAPTER XXIX.

An Act to amend an act passed in the year one thousand eight hundred and nine, entitled, "An Act to establish a Turnpike on a road leading from Buncombe Court House over the Saluda Gap to the South-Carolina line."

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That Samuel Murray, Jun. George B. Greer and James Kirkindale be, and they are hereby authorised to extend their Turnpike Road from the north end of Big Mud Creek Bridge, to Samuel Murray's (Senior) old place.

II. *And be it further enacted,* That William D. Smith, David M. Carson, Esq. and Thomas Justice be, and they are hereby appointed Commissioners for the purpose of viewing the said Turnpike Road, in the room of those appointed by the above recited act; and when the said Turnpike shall be extended in the manner prescribed in the first section of this act, they shall determine the additional length of time which the proprietors thereof shall retain the same, and the profits arising therefrom in consequence of such extension, and report the same to the next General Assembly.

III. *And be it further enacted,* That the said Commissioners, or any one of them, are hereby required to view the said Road and report to the Court of Pleas and Quarter Sessions for the county of Buncombe, at each and every term, the state and condition of the said Turnpike.

IV. *And be it further enacted,* That when said Road shall be out of repair, the holders thereof shall be liable to indictment in either the County or Superior Courts of said county, as other Public Roads in this State.

CHAPTER XXX.

An Act directing the time and manner of appointing Overseers of Roads in Richmond County.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That it shall be the duty of the Justices of the Court of Pleas and Quarter Sessions of Richmond, and they are hereby directed, at the first term of said Court which shall be held for said county, after the first day of January in each and every year, to appoint overseers to superintend the Public Roads, laid off by order of said Court.

II. *And be it further enacted,* That no Public Road shall be discontinued, no new road established, nor any overseer appointed but at the respective terms in this act already mentioned: *Provided always,* That if any overseer so appointed, shall die, remove or be unable to discharge the duties of his office, it shall and may be lawful for said Court at any term thereof, to appoint another overseer instead of the person so deceased, removed or labouring under such disability, who shall continue in office until the first Court to be held after the first day of January then next ensuing.

CHAPTER XXXI.

An Act to authorize Jesse Stallings to stop the ditch on the side of Hamilton Road at the Middle Ridge, where the line of Perquimons and Pasquotank counties crosses the same.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That Jesse Stallings of Perquimons county, be and he is hereby authorized to stop the Ditch on Hamilton's road, at the middle Ridge, where the line of Perquimons and Pasquotank counties cross the same, so that the waters of the Desert in Pasquotank county may go eastwardly, and the waters of Perquimons, Westwardly.

CHAPTER XXXII.

An Act declaring in what manner allowances shall be made by the County Courts of Wilkes and Lincoln in future, and for other purposes.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, no allowance shall be made by the County Courts of Wilkes and Lincoln to any Clerk, Sheriff, Trustee or Treasurer of public buildings, unless a majority of the acting Justices of the Peace for said county are present; and for all other allowances of what nature soever, except to the aforesaid officers for their yearly allowance, there shall be at least seven Justices of the Peace on the bench who shall be un-



1812 connected by affinity or consanguinity with the person or persons to whom allowance is made ; and it shall be the duty of the Clerk to note on his minutes, the names of each Justice who make each and every allowance.

II. *Be it further enacted*, That it shall be the duty of every person making application to the Court for any allowance, to draw up his or her account, stating the items for which they charge and shall swear to the same in open Court ; which account, if allowed, shall be filed by the Clerk in his office, and in no case shall any allowance be made except for services rendered to the county and which is authorised by existing laws ; nor shall any be made except on the second day of each and every term of the Court.

III. *And be further enacted*, That it shall be the duty of the Clerk to procure a suitable Book in which he shall enlist the name of each and every person or persons to whom allowances shall be made, with the amount of such claim or claims, and shall be kept in the office of the Clerk subject to the inspection of the Court and County Trustee.

IV. *And be it further enacted*, That the Justices of the Peace of said Counties, at the first Court which shall happen after the first day of April in each and every year, if they deem it necessary, a majority of them being present, shall appoint three of their body as a committee of claims, whose duty it shall be to attend in Wilkesborough and Lincolnton respectively on Tuesday and Wednesday in each and every County Court week and set as a committee of claims ; before whom, all claims heretofore allowed and yet due from the County, that has not heretofore been examined by the County Register, shall be presented ; and it shall be the duty of the said committee to examine into the legality and justice of the claims so presented, and on all those that appear legal and fair, one of the committee shall in every case endorse on the back, the words " A good Claim," and sign his name thereto ; if on the contrary, a claim shall appear illegal, unjust or exorbitant, his duty shall be to endorse the truth of the case and sign his name ; and if any person having a claim refused by said committee, they may appeal to the Court, a majority of the Justices of the County being present, and their decision shall be final.

V. *And be it further enacted*, That said committee, before they enter upon the duties of their appointment, shall take an oath in open Court well and truly to discharge their duty impartially ; and the said committee shall keep a correct list of all claims they pass on with the amount thereof, and report the same to the Court annually.

VI. *And be it further enacted*, That no claim shall pass to the credit of the County Trustee on a settlement with the Court except such as may be reported by the said committee, by the Court on appeal or such as have heretofore been examined by the Comptroller, unless the Trustee make oath that he received them before the first day of April, one thousand eight hundred and thirteen.

VII. *And be it further enacted*, That it shall be the duty of the said committee as soon as may be, after their appointments, to set up advertisements in each Captain's district in said county, notifying all persons having claims against the County to attend as by this act required, and have their claim or claims passed by the said committee ; and if any person or persons should refuse or neglect so to do twelve months after such notice, then and in such case the claim or claims not presented and passed on as by this act required, shall be forever barred and of no effect ; *Provided*, The owner of such claims live within the said Counties of Wilkes and Lincoln respectively, and not otherwise.

VIII. *And be it further enacted*, That all laws and clauses of laws coming within the purview and meaning of this act, are hereby repealed and made void.

#### CHAP. XXXIII.

An Act to alter the time of holding the Superior Courts of Law and Courts of Equity for the County of Jones.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That instead of the times heretofore established by law for holding the Superior Courts of law, and Courts of Equity in and for the County of Jones, the said Courts shall, from and after the next term of said Courts, commence and be holden on the first Thursday after the first Monday of September and March in each and every year : Anything contained in any former act to the contrary notwithstanding.

#### CHAP. XXXIV.

An Act to alter the times of holding the County Courts of the County of Columbus.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the Courts of Pleas and Quarter Sessions for the County of Columbus, shall hereafter be held on the second Monday of February, May, August and November in each and every year ; and all business now remaining in said Court shall by virtue of this act, stand continued to the second Monday of February next, and all process issuing from said Court, shall be made returnable accordingly.

II. *And be it further enacted*, That all acts and clauses of acts, coming within the meaning and purview of this act be, and the same are hereby repealed and made void.

#### CHAP. XXXV.

An Act to authorise the County Court of Pasquotank to transcribe such part of the Register's Books of said County as may appear necessary.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the Justices of the County Court of Pasquotank, shall have full power and authority to employ some proper person to transcribe into a bound book or books, such part of the Register's books of said County as may be in a situation unfit for the preserving the Records of said County, and that the said Records so transcribed shall be considered, to all intents and purposes as valid, as if the same had been originally recorded in said book or books : Any law usage or custom to the contrary notwithstanding.

#### CHAP. XXXVI.

An Act to secure to certain persons therein mentioned, such property as they may hereafter acquire.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That Nancy Waldron of Onslow county, wife of John Waldron ; Nancy Christophers of Guilford county, wife of Simon Christophers ; Jenny Dillon wife of Levin Dillon ; Christian Hosea of Perquimons, wife of Hugh Hosea of Perquimons ; Mary Coval of Rutherford county, wife of Jacob Coval ; Anna Hyatt of Burke county, wife of Seth Hyatt ; Martha Russel of Guilford county, wife of William Russel ; Polly Mira Poor of Burke county, wife of Caleb Poor ; Nancy McKinnie of Guilford county, wife of George McKinnie ; Nancy Philmon of Robeson, wife of James Philmon ; Rebecca Abbot of the county of Burke, wife of William Abbot ; Rachael Landreth of the county of Guilford, wife of Thomas Landreth ; and Martha Sanders of the county of Chatham, wife of Tilman Sanders ; Mary Dickey, wife of Zachariah Dickey of Orange county ; Isabella Rutledge, wife of Elijah Rutledge of Stokes county ; Ann Conway, wife of John Conway of Brunswick county ; Lucretia White of Wake county, wife of

White, be and they are hereby severally made capable of holding, possessing and enjoying in their sole right, all such estate, either real or personal, as they may hereafter acquire by descent, purchase or any other means whatsoever, in as full and ample a manner as if they had never been under the coverture of their respective husbands, free and clear from the claims of their said husbands, or their creditors ; and they are severally and respectively made capable to prosecute and defend suits either in law or equity in their own names, in the same manner as if they had never been married.



## CHAP XXXVII

An Act to divorce Michael Shoffner, junior, of the county of Orange, from his wife Sarah.

WHEREAS Michael Shoffner, junior, of the county of Orange, hath presented a petition to this General Assembly praying to be divorced from his wife Sarah, and hath shewn such proofs and reasons for the same as reconcile the measure with justice and policy :

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the said Michael and Sarah shall be fully and absolutely divorced from the bonds of Matrimony, in the same manner to all intents and purposes, as if the marriage of the said Michael and Sarah had never been solemnized, and the said Michael and Sarah are divorced accordingly.*

## CHAP. XXXVIII.

An Act to divorce Levina Massey of Tyrrel County, from her husband Adkins Massey.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, Lavina Massey of the county of Tyrrel, be and she is hereby divorced from her husband Adkins Massey, in as full and ample a manner, to all intents and purposes, as if the rites of matrimony had never been solemnized between them, and they are hereby divorced accordingly.*

## CHAP. XXXIX.

An Act to divorce Samuel Murray, junior, of the County of Buncombe, from his wife Sarah.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, Samuel Murray, junior, of the county of Buncombe, be, and he is hereby fully and absolutely divorced and freed from the bonds of matrimony with his wife Elizabeth, in as full and ample a manner, to all intents and purposes, as if the said Samuel Murray, jun. had never been married to the said Elizabeth, and he is hereby divorced from her accordingly.*

## CHAP. XL.

An Act to divorce Eliza Fulwood of Onslow County, from her husband Andrew Fulwood.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Eliza Fulwood of the County of Onslow, and her husband Andrew Fulwood, be fully and absolutely divorced from the bonds of matrimony, in the same manner, to all intents and purposes, as if the marriage of the said Eliza and Andrew had never been solemnized ; and the said Eliza and Andrew are divorced accordingly.*

## CHAP. XLI.

An Act to divorce Willis Philips of the County of Randolph, from his wife Susannah.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, Willis Philips of the County of Randolph, and his wife Susannah, be fully and absolutely divorced from the bonds of matrimony in the same manner, to all intents and purposes as if the marriage of the said Willis and Susannah had never been solemnized ; and the said Willis and Susannah are divorced accordingly*

## CHAP. XLII.

An Act granting one other separate Election to the Inhabitants of Duplin County.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That whenever in future, Elections shall be held in the County of Duplin for the election of Members to the General Assembly of this State, for Representatives to the Congress of the United States, or Electors to vote for President and Vice-President of the United States, a Separate Election at the same times, and subject to the same regulations, shall be held at the present dwelling house of Bryant Glisson, in said County.*

## CHAP XLIII.

An Act to establish a Separate Election at the House of Mark Christian in the County of Cumberland, and to repeal an act establishing a Separate Election at the House of James Atkins, in the same county.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That in future, a Separate Election shall be held at the house of Mark Christian in the County of Cumberland, on the second Thursday in August in each and every year, for the purpose of electing Members of Assembly and Members of Congress, by the Sheriff of said County or his lawful Deputy ; to be opened, closed and conducted in the same manner and under the same rules as were by law prescribed for conducting the Separate Election at James Atkins's.*

II. *And be it further enacted, That an Election shall be held at the same place for electing Electors to vote for a President and Vice-President of the United States, at such time as may by law be prescribed for holding such Elections.*

III. *And be it further enacted, That the act of Assembly establishing a Separate Election at the house of James Atkins in the County of Cumberland, be, and the same is hereby repealed and made void.*

## CHAP. XLIV.

An Act to establish a Separate Election in the County of Brunswick, and to provide for the payment of Jurors attending the County Courts of said County.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That there shall be held at the house of William Basford in the said County, on the day of the annual Election for Members of the General Assembly, Members of Congress, and Electors to vote for President and Vice-President of the United States, a Separate Election under the same regulations, rules and restrictions as the other Elections held in said County.*

II. *Be it further enacted by the authority of the same, That the Jurors attending the County Courts of said County, shall be entitled to the same pay for daily attendance and milage, as is allowed to Jurors attending the Superior Courts of said County.*

III. *And be it further enacted, That all fines and forfeitures arising from the non-attendance of persons summoned upon a venire, shall be applied to paying those who shall serve as Talesmen at any Court of the County.*

## CHAP. XLV.

An Act to establish one other Separate Election in the County of New-Hanover.

WHEREAS some of the good citizens of the County of New-Hanover labour under great inconveniences by attending Elections for the purpose of electing Members of the General Assembly, in consequence of an intervening river which is subject to inundation, and some smaller streams which frequently obstruct their passage, by which means they have at divers times been deprived of the opportunity of exercising the right of suffrage : For remedy whereof.



*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That one other Separate Election be held, and the same is hereby commanded to be held for the future, in the County aforesaid, at the Plantation belonging to James Lewis in Kentuck; which election shall be conducted under the same rules, regulations and restrictions, as are by law established for other Elections in that County.*

## CHAP. XLVI.

An Act to repeal an act passed in the year one thousand eight hundred and four, entitled, "An act to establish a Separate Election at the House of Joseph Kembal in the County of Warren," and to establish a Separate Election at Grove Hill.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the Sheriff of Warren County or his lawful Deputy, shall open and hold an Election at Grove Hill in said County, on the Wednesday immediately preceding the second Thursday and Friday in August in each and every year, for the purpose of receiving votes for Members of the General Assembly and Representatives to Congress, and for Electors to vote for a President and Vice-President of the United States; which Election shall be opened at twelve o'clock and continue open until sun-set, and be conducted in the same manner as the Election at Warrenton, in said County. And votes taken at the place and on the day aforesaid, shall be sealed up and transmitted by the Sheriff or his lawful Deputy, to the Court House of said County and counted out and added to those taken at that place.*

II. *And be it further enacted, That the act passed in the year, one thousand eight hundred and four, entitled, "An act to establish a Separate Election in the County of Warren," be, and the same is hereby repealed.*

## CHAP. XLVII.

An Act to alter the place of holding one of the separate Elections in the County of Camden.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passage of this act, the Separate Election heretofore held at the house of Roger Stovers in the County of Camden, shall in future be opened and held at M'Bride's Meeting-House in said County, and shall be conducted in the same manner, and under the same rules, regulations and restrictions as have heretofore been prescribed by law for conducting separate Elections in said County: Any law, usage or custom to the contrary notwithstanding.*

## CHAP. XLVIII.

An Act granting one other Separate Election in the County of Rutherford, and for other purposes.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That there shall be an Election held at the dwelling house of George Watson, Esquire, in the County of Rutherford, on the days appointed by law for the purpose of electing Members of the General Assembly, Representatives to Congress and Electors to vote for a President and Vice-President of the United States.*

II. *And be it further enacted, That the said Election shall be conducted in the same manner, and under the same rules, regulations and restrictions as other Separate Elections in the said County; Any law to the contrary notwithstanding.*

III. *And be it further enacted, That the Justices of the Peace in said County, shall settle their several accounts with the Comptroller as far as respects fines and forfeitures, in the same time that the other officers are bound to settle, and in case of neglect or refusal shall be liable to the same fines and penalties as other officers of the County.*

IV. *And be it further enacted, That all persons holding any County claim, or due bill issued by the Wardens of the Poor, that shall not have been enrolled agreeable to law, shall have a further time allowed them until the first day of October next to enroll the same.*

V. *And be it further enacted, That the following change shall, and is hereby made between the first and third Regiments of said County, viz beginning where the road crosses the north fork of Buffalow, not far from John Whitesides', thence up said fork as it meanders to the head thereof, from thence the same course to the line of Burke County, so as to include all the inhabitants on the north west side of said Creek in the third Regiment.*

## CHAP. XLIX.

An Act to alter the place of holding a Separate Election in the County of Surry.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the Election heretofore held at the mouth of Michael's river, shall in future be held in the town of Martinsborough, under the same regulations and restrictions as other Separate Elections in said County.*

## CHAP. L.

An Act to alter the mode of holding Elections in the County of Beaufort.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That hereafter all Elections to be held in each and every year in the County of Beaufort, for Members of the General Assembly and for Representatives of this State in the Congress of the United States, shall be held on the first Wednesday in August in each and every year, at the following places in each Captain's District, to wit, For Tranter's Creek District, at Godfrey Williams's Mill; For Broad Creek District, at Stephen Langley's, Junour; For Long Acie District, at William Boyd's, Seniour; For Washington District, at the Court House in Washington; For Chocka Winty District, at Israel Hardings's; For Blount's Creek District, at Hanrahan's Mills; For South Dividing Creek District, at Bowen's Ship-Yard; For Goose Creek District, at David Watson's; For Bath District at the town of Bath.*

II. *And be it further enacted, That it shall be the duty of the County Court, which shall be held for the said County on the first Monday in June, in each and every year, to appoint one Justice of the Peace and two Freeholders for each Captain's District, except the District of Washington, (where it shall be the duty of the Sheriff to act) to act as Inspectors, whose duty it shall be to attend at the place of Election for which they are appointed, and receive the ballots, the Justice having first administered to the Freeholders the oath directed by law to be administered to Inspectors of Election.*

III. *And be it further enacted, That it shall be the duty of the Justice and Freeholders so appointed and qualified, to open the Poll at eleven o'clock on the day and at the places appointed for holding the Elections, and shall close the same at four o'clock, and shall immediately proceed to count out the votes; a correct statement of which, under their hands and seals, together with a list of the voters' names, shall be by them, or some one of them, returned at or before three o'clock, on the first Friday which shall happen after the first Wednesday in August, as aforesaid in each and every year, at the Court House in Washington, to the Sheriff of the said County, or his lawful Deputy; and it is hereby declared to be the duty of the said Sheriff to attend, either in person or by his lawful Deputy, at the Court House in the said County, on the day hereby specified for making the returns, to receive the returns so made by the Inspectors; and on the returns being made to the Sheriff or his lawful Deputy, he shall in the presence of the Inspectors, proceed to add the number of votes thus to him returned, and the person or persons having the greatest number of votes shall be deemed lawfully elected, and the Sheriff shall immediately, at the Court House do or make proclamation thereof.*

IV. *And be it further enacted, That should it so happen, that the Court of said County should neglect to appoint*



Inspectors as aforesaid, or should any of those who were appointed, die, be absent or refuse to act, then, and in that case it shall be lawful for any one Justice of the Peace and two Freeholders to supply the vacancy; and in case no Justice attends, it shall be the duty of the Captain of the District in which such vacancy may occur, to perform the several duties required by this act, to be performed by a Justice of the Peace; and the Inspector or Inspectors so appointed, shall have the same powers and be subject to the same restrictions as if they had been appointed by the Court.

V. *And be it further enacted*, That it shall be the duty of the Clerk of the Court of the said County to deliver copies of the appointments of said Justices and Inspectors to the Sheriff of said County, whose duty it shall be forthwith to notify them and to advertise said Elections in every Captain's District and at the Court House door, at least twenty days previous to the day of holding said Elections.

VI. *And be it further enacted*, That if any person shall vote at more than one Election, or twice at the same Election, or if any person who is not lawfully entitled to vote, shall vote at any of the said Elections, he or they shall forfeit the sum of five pounds for every such offence, to be recovered by warrant before any Justice of the Peace, one half to the use of the person suing for the same, the other half to the use of the poor of the said County.

VII. *And be it further enacted*, That Elections for Electors to vote for a President and Vice-President of the United States, shall be held at the places specified in this act for holding Elections for Members of the General Assembly and Members of Congress, at such times and under such rules and regulations as may be directed by law.

VIII. *And be it further enacted*, That all acts and clauses of acts coming within the purview and meaning of this act, be, and the same are hereby repealed and made void.

#### CHAP. LI.

An Act to establish one other separate Election in the County of Hyde, and for other purposes.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That it shall hereafter be the duty of the Sheriff of the County of Hyde, or his lawful Deputy to open and hold an Election on the second Thursday in August in each and every year, at the house of John Balance in the County aforesaid, for the purpose of electing Members to represent the County aforesaid, in the General Assembly of this State, which Election shall be opened at twelve o'clock, and closed at three o'clock; and the said Election shall be conducted, and the votes taken thereat, transmitted to the Court House at the same time, and in the same manner, as are prescribed for the government of other Separate Elections in said County.

II. *And be it further enacted*, That the Election established at the Lake Landing, shall hereafter be held on the Tuesday immediately preceding the second Thursday in August in each and every year, instead of Wednesday as heretofore, and shall be conducted in the same manner as heretofore prescribed and observed at that place.

#### CHAP. LII.

An Act to amend an act passed in the year one thousand eight hundred and four, entitled "An act to alter the time of holding the annual Elections of the County of Hertford," and to establish two several Elections in the same.

*BE it enacted*, That there shall be one other Separate Election held by the Sheriff or his lawful Deputy, at Saint John's Chapel in Hertford County.

II. *Be it enacted*, That the Election of said County for Members of Assembly, of Congress and Electors of President and Vice-President shall, by the Sheriff or his lawful Deputy, be held at the following times and places: At Murfreesborough, Pitch Landing, and the house of Hugh Horton, deceased, near St. John's Chapel, on the Thursday preceding the second Friday of August: That the places\* shall be opened at ten o'clock and close at four in the afternoon, when the boxes containing the ballots shall be sealed up by the Inspectors.

III. *Be it further enacted*, That the Election shall be held at Winton on the second Friday in August, from the hours of nine in the morning, until four in the afternoon, when the votes received at that place shall be counted, and afterwards the votes received at the aforesaid separate places of Election, and upon comparison of the whole, the Sheriff shall declare the person duly elected.

IV. *And be it further enacted*, That this Act shall be in force from and after the ratification of the same.

#### CHAP. LIII.

An Act altering the place for holding one of the separate elections in Mecklenburg county.

*BE it enacted by the General Assembly of North-Carolina, and it is hereby enacted by the authority of the same*, That in future the separate election established in Mecklenburg County, to be holden at the dwelling house of John Ray for the first Battalion in the second Regiment, be holden at the dwelling house of Peter Rape, and shall be conducted in every respect as heretofore directed by law.

II. *And be it further enacted*, That all laws or clauses of laws, which are now in force, establishing the place of holding said separate election, be and the same are hereby repealed and made void.

#### CHAP. LIV.

An Act to establish a place of Separate Election in the county of Burke.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That in all elections hereafter to be held in the county of Burke for Members of Assembly, and for Electors to vote for a President and Vice-President of the United States, or Representatives to Congress, a poll shall be opened and held at Morrison's meeting-house, on the same day that elections are held at other places of separate election in said county. And shall be conducted in the same manner and under the same rules, regulations and restrictions as all other separate elections are held in said county.

#### CHAP. LV.

An Act to amend an Act passed in the year one thousand eight hundred and four, entitled "An act to alter the place of holding the separate elections on the south side of Neuse River, in the County of Wayne."

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That Daniel Kornegay, Cullen Blackman, Asa McCullen, Laurence Wood, Benjamin Journigan, and John Smith, be and they are hereby appointed Commissioners for the purpose of ascertaining the most proper and convenient place on the south side of Neuse River, in the county of Wayne, whereat a separate election for the said county shall be held: And the said Commissioners, or a majority of them having ascertained and fixed upon the same, shall certify the same under their hands and seals to the Court of Pleas and Quarter Sessions of said county.

II. *And be it further enacted*, That after the said Commissioners shall have ascertained a place and made return as aforesaid, it shall be the duty of the Sheriff of said county, or his lawful deputy, annually to open an election at the place so fixed on for Members of the General Assembly of this State, Representatives in the Congress of the United States, and Electors to vote for a President and Vice-President of the United States; which elections shall be opened, conducted, and closed in the same manner and under the same rules, regulations and restrictions as are prescribed for the regulation of the election held at Alce Bass's in said county, by an act entitled, "An act to alter the place of holding the separate elections on the south side of Neuse River in the county of Wayne."

[Suspected to be an error for "Polls."—Printer.]



1812 III. *And be it further enacted*, That so much of the aforesaid act as establishes a separate election at the house of Alice Bass, be, and the same is hereby repealed and made void.

#### CHAP. LVI.

An Act to establish one other Separate Election in the County of Lincoln.

*BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That it shall hereafter be lawful to open and hold a separate election in the county of Lincoln, at the house of Thomas Rhyns in each and every year, for the purpose of electing Members of the General Assembly, and for Representatives to Congress whenever the same is required by law; which election shall be opened, held, conducted and closed, and the votes counted out, and added to those taken at other places in the same manner and under the same rules, regulations and restrictions that govern other separate elections in said county.

#### CHAP. LVII.

An Act to establish another Separate Election in the county of Wilkes.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That there shall be opened and held by the Sheriff or his law Deputy, of the county of Wilkes, a separate election at the Deep Ford Meeting House on Reedy River, on the same day on which the other separate elections in said county are held, in each and every year, for the purpose of electing Members of the General Assembly of this state.

II. *And be it further enacted*, That elections shall be held for Representatives to Congress, and Electors to vote for President and Vice President of the United States at the place aforesaid, at such time and under such rules and regulations as are now, or may hereafter be prescribed by law.

III. *And be it further enacted*, That the elections hereby established, shall be conducted in every respect, in the same manner and under the same rules and restrictions that other separate elections are in said county; Any thing to the contrary notwithstanding.

#### CHAP. LVIII.

An Act granting one other Separate Election in the County of Buncombe, and also altering the place of holding one Separate Election in said County.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That there shall be an election held at the dwelling house of John Penland on Hominy Creek, on the days appointed by law for the purpose of electing Members of the General Assembly, Representatives to Congress, and Electors to vote for a President and Vice-President of the United States.

II. *And be it further enacted*, That the said election shall be conducted under the same rules and regulations as other separate elections in said county.

III. *And be it further enacted*, That the election heretofore directed to be held at the house of John Holcombs, shall hereafter be held at Solomon Bridgman's.

IV. *And be it further enacted*, That all laws, coming within the purview and meaning of this act, are hereby repealed.

#### CHAP. LIX.

An Act granting to the Inhabitants of Haywood County, one other Separate Election in said County.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That in future it shall be lawful for an election to be opened and held at Archibald M'Henry's Mill, on Crabtree Creek in the county of Haywood, on the same day on which the other elections are now by law to be holden in said county, and subject to the same rules, regulations and restrictions that the other separate elections in said county are held.

#### CHAP. LX.

An Act to alter the place of holding a separate Election in Iredell county.

*BE it enacted by the General Assembly of North-Carolina, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, the election formerly held at the house of Robert Hughes on the waters of Davidsons creek, in Iredell county, established by an act of this General Assembly in one thousand eight hundred and eight, be hereafter opened and held at the house of Elisha S. Kirksey, on the great road leading from Beatie's Ford on the Catawba River, to the Shallow Ford on the Yadkin nigh the cross roads, called Shepherd's cross roads; under the same rules and regulations as heretofore observed.

#### CHAP. LXI.

An Act to emancipate a Negro Girl named Violet.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That a certain Negro Girl named Violet, late the property of Abraham Bass, late of the county of Nash, daughter of Silvia, who was emancipated by an act of the Legislature at its last session, be, and she is hereby emancipated and made capable of taking, holding and possessing property of every kind, and enjoying all such privileges as all other free persons of colour.

II. *And be it further enacted*, That this act shall not affect the right which any person or persons may have to the service of, and property in said Girl Violet, except such person or persons as may claim by, from, and through the said Abraham Bass, deceased.

III. *And be it further enacted*, That nothing in this act contained shall be so construed as to authorise the emancipation of the said Violet, until Thomas Hamilton shall have entered into bond with sufficient security in the sum of two hundred and fifty pounds, made payable to the Chairman of the County Court of Nash, and his successors in office, to be void on condition, that the said Violet never become a charge or burthen to any of the Counties in this State.

IV. *And be it further enacted*, That the above named Negro Girl called Violet, shall be known and called by the name of Violet Spears.

#### CHAP. LXII.

An Act to emancipate Isabella and Jane, two negro slaves belonging to the estate of James Allen, deceased.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That Isabella and Jane, two female slaves belonging to the estate of the late James Allen of the town of Wilmington, be, and they are hereby emancipated and made free, by the names of Isabella Allen and Jane Allen; and they are hereby made able and capable in law to possess and enjoy all the rights and privileges which free persons of colour in this state are capable of possessing and enjoying: *Provided always*, That this act



shall not be construed to effect\* the claim of any creditor of the said James Allen, if the personal estate of said Allen should be insufficient to discharge the demands which are against it; and *Provided further*, that this act shall not take effect until bond with good and sufficient security to be judged of, and approved by the Justices of the Court of Pleas and Quarter Sessions of the County of New-Hanover, and payable to the Chairman thereof, be entered into, conditioned that neither of the persons liberated by this act shall ever become burdensome to the Parish in any County in this State; which bond may be put in suit without assignment by any Parish damaged by the breach thereof.

## CHAP. LXII.

An Act to emancipate certain persons therein mentioned.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That three negro slaves by the names of Hannah, Peggy and Sally, the property of Jacob Spellman of the County of Currituck, be, and they are hereby emancipated and set free, by the names of Hannah Spellman, Peggy Spellman, and Sally Spellman; and the said persons are hereby invested with all the rights which free persons of colour are capable of enjoying by law; *Provided*, That before this act shall be of any force or effect, bond shall be entered into, in such sum and with such security as shall be approved by the Justices of the County Court of Currituck, and payable to the Chairman thereof, and his successors, conditioned, that neither of the persons hereby emancipated, shall ever become burdensome to the Parish in any County of this State; which bond may be put in suit without assignment, as often as any County in this State may be damaged by breach of the condition thereof.

## CHAP. LXIII.

An Act to prevent any person or persons from working Seins, skimming with Nets, or setting Nets in Great Contentnea Creek, on Sundays, or Sunday nights in every week from the fifteenth of January to the twenty fifth of March in each and every year.

WHEREAS the working Seins and Nets every day and night in Great Contentnea Creek, is not prohibited by law, and the inhabitants on the upper part of said Creek are thereby deprived of a great number of Fish that they would otherwise procure; Therefore,

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That in future, no person or persons shall work a Sein or Net, or set a Net in Great Contentnea Creek from the fifteenth day of January, to the twenty-fifth day of March, on Sundays or Sunday nights inclusive, in each and every year under the following penalties, that is to say:—That any person who shall be found working a Sein on those days or nights, contrary to the true intent and meaning of this act, shall for each and every offence, on conviction, forfeit and pay the sum of thirty pounds, for working or setting a Net, on conviction thereof, the sum of ten pounds, to be recovered before any competent jurisdiction, to the sole use of any person who may prosecute for the same, together with the forfeiture of any Net that may be found working or setting, contrary to the true intent and meaning of this act, to any person who may make due proof of the same.

II. *And be it further enacted*, That if any slave or slaves shall be convicted before any Justice of the Peace, of having violated this act, he, she or they shall receive thirty lashes on his, her or their bare backs, and the master or owners shall be subject to pay the costs of prosecution and whipping said slave.

## CHAP. LXIV.

An Act to prevent any person from obstructing the passage of Fish up Arranuse and Saw-mill Creeks, in Camden County.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That henceforward, it shall not be lawful for any person or persons, to set a Net or Nets, set a hedge, or use any machine, devise or engine whatsoever in the mouth of Arranuse and Saw-mill Creeks, or in any part of said Creeks, which will prevent the passage of Fish up the said Creeks (Wares and Dip-nets excepted) from the tenth day of March, until the tenth day of May in each and every year.

II. *And be it further enacted*, That each and every person who shall violate the true intent and meaning of this act, shall forfeit and pay the sum of five pounds for each and every offence, to be recovered by a warrant before any Justice of the Peace, one half to be applied to the use of the county, and the other half to the use of the person suing for the same.

III. *And be it further enacted*, That any slave shall, upon conviction of violating this act, receive any number of lashes, not exceeding thirty-nine, on his or her bare back, and the owner of such slave shall pay the costs of the trial.

## CHAP. LXV.

An Act to incorporate Concord Lodge, No 53, in the town of Tarborough.

*BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the Officers and Members who at present are, or in future may be of Concord Lodge, No. 53, Tarborough, are hereby constituted and declared to be a body politic and corporate, under the name and title of Concord Lodge, No. 53, and by such name shall have perpetual succession and a common seal, and may sue and be sued, plead and be impleaded, acquire and transfer property, and pass such laws, rules and regulations for their government, as shall not be inconsistent with the laws or constitution of this State or of the United States.

## CHAP. LXVI.

An Act to incorporate Orange Lodge, No 47, in the County of Lincoln.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the Master, Wardens, and Brethren of Orange Lodge, No. (47,) forty seven, of the County of Lincoln, which are now or hereafter may be appointed, be, and they are hereby constituted and declared to be a body corporate, under the name and title of "The Master, Wardens and Brethren of Orange Lodge, Number Forty Seven;" and by such name shall have perpetual succession, and as such, may sue and be sued, plead and be impleaded, acquire and transfer property, and pass all such bye laws, rules and regulations as shall be necessary for the government thereof.

## CHAP. LXVII.

An Act to incorporate King Solomon Lodge, No. 56, in Smithville, Northampton County.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the Worshipful Master, Wardens and Members, who are at present, or hereafter may be, of King Solomon Lodge, No. 56, in Smithville, in the County of Northampton, be, and they are hereby constituted and declared to be a body corporate and politic, under the name of King Solomon Lodge, No. 56, Smithville, Northampton County; and by such name shall have perpetual succession, a common seal, and may sue and be sued, plead and be impleaded, acquire and transfer property, and pass all such bye laws and regulations for their own government, as shall not be inconsistent with the laws and constitution of this State, or of the United States.

[Intended for affect.—Printer.]



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## CHAP. LXVIII.

An Act to incorporate St. Andrew's Lodge, No. 57, in the town of Louisburg, in the County of Franklin.

*BE it enacted by the General Assembly of the State of North-Carolina,* That the Master, Wardens and Members of St. Andrew's Lodge, No. 57, in the town of Louisburg, in the County of Franklin, be, and the same are hereby created a body politic and corporate, by the name of St. Andrew's Lodge, No. 57; by which name they may sue and be sued, plead and be impleaded, take, hold, alien and dispose of property, and have a continual succession and a common seal.

II. *And be it further enacted,* That the said body corporate may make all such bye laws for their own government as they may deem necessary; *Provided,* the same do not contravene the constitution and laws of this State or of the United States.

## CHAP. LXIX.

An Act to incorporate the American George Lodge, No. 17, Murfreesborough, in Hertford County.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the Master, Wardens and Members, who at present, or in future may be of the American George Lodge, No. 17, of the town of Murfreesborough, are hereby constituted and declared to be a body corporate, under the name and title of "The American George Lodge, No. 17," and by such name shall have perpetual succession, and a common seal, and may sue and be sued, plead and be impleaded, acquire and transfer property, and pass all such bye laws and regulations as shall not be inconsistent with the constitution of this State or the United States.

## CHAP. LXX.

An Act to incorporate the Newbern Female Charitable Society.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the individuals who are at present associated in the town of Newbern, for the relief of the poor and the education of poor female children, under the name of the Newbern Female Charitable Society and those who hereafter may become members of the said Association agreeably to the rules which may be therein established, be, and the same are hereby incorporated into a body corporate and politic, by the name of the Newbern Female Charitable Society, and as such shall have perpetual succession, may sue and be sued, be capable of acquiring and holding real or personal estate; have ability to make and ordain laws and regulations for their own government, and elect their own officers, and generally to do, receive and perform all such matters and things as rightfully belong to, or are usually incident to bodies corporate or politic within this State; Any law, usage or custom to the contrary notwithstanding.

## CHAP. LXXI.

An Act to authorise an augmentation of pay to the Jurors of the Superior and County Courts of the County of Craven.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That it shall and may be lawful from and after the passing of this act, for the Court of Pleas and Quarter Sessions of the county of Craven, to order an augmentation of the pay of the Jurors of the Superior Court, and of the Court of Pleas and Quarter Sessions of said County, *Provided,* the pay does not exceed ten shillings for each day's attendance, ten shillings for every thirty miles travelling, and the price of the ferriages paid by the Jurors respectively in travelling to and from Court

## CHAP. LXXII.

An Act making compensation to Jurors who shall hereafter attend the Superior and County Courts of Burke county.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That each and every Juror who shall be summoned, and attend the Superior and County Courts of said County, shall receive the sum of five shillings per day during the time of their attendance, and the further sum of five shillings for every thirty miles they shall necessarily travel in going to, and returning from said Courts.

II. *And be it further enacted,* That a majority of the Justices of said County, at the first session of the Court of Pleas and Quarter Sessions which shall be held next after the first day of January in every year, shall have power, and may lay a tax on the taxable property of said County, not exceeding sixpence on every poll, two pence on every hundred acres of land, and two pence on every hundred pounds value of town property; to be collected as other taxes are, and which, when collected, shall be paid by the Sheriff to the County Trustee, and by him be applied in discharging such Juror's claims.

III. *And be it further enacted,* That all laws coming within the purview and meaning of this act, be, and they are hereby repealed and made void.

IV. *And be it further enacted,* That this act shall be in force from and after the ratification thereof.

## CHAP. LXXIII.

An Act to authorise the County Court of Chowan, to draw an additional number of Jurors to attend the Superior Court of said county

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That in future the County Court of Chowan, may, and they are hereby authorised and directed, to draw forty two Jurors to attend the Superior Court of said county; Any law to the contrary notwithstanding.

## CHAP. LXXIV.

An Act to ascertain and fix the pay of Jurors in Orange county.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the Jurors hereafter appointed and summoned to attend the County and Superior Courts of said county, shall be entitled to, and receive each, the sum of seventy-five cents for each day's attendance at Court, the sum of seventy-five cents for every thirty miles travelling to and from Court, to be paid by the County Trustee as heretofore, on the certificate of the Clerks of the Courts respectively.

II. *And be it further enacted by the authority aforesaid,* That the Justices of the said County Court of Orange (a majority being present) shall have power to lay an additional tax if necessary, for the payment of the Jurors attending the County and Superior Courts of said county.

III. *And be it further enacted by the authority aforesaid,* That all acts and clauses of acts, coming within the purview of this act, be, and the same are hereby repealed and made void.

## CHAP. LXXV.

An Act to divide the Militia of Granville county into two Regiments and four Battalions.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of*



the same, That from and after the passage of this act, the Militia of Granville county shall be divided into two Regiments, in the following manner, to wit: The companies now commanded by Captains Bullock, Morris, Williams, Cavenders, Nutall, Johnson, Glasgow, Robertson and Gilliam, shall compose the south or first Regiment, and the companies now commanded by Captains Adcock, Ridley, Royster, Graves, Smith, Norwood, Kembell, Crews and Briggs shall compose the north or second Regiment

II. *And be it further enacted*, That the companies now commanded by Captains Gilliam, Johnson, Robertson and Glasgow, compose the first Battalion of the south or first Regiment, and that the companies now commanded by Captains Nutall, Williams, Cavenders, Bullock and Morris, compose the second Battalion of the south or first Regiment.

III. *And be it further enacted*, That the companies now commanded by Captains Adcock, Ridley, Crews, Kembell and Briggs, form the first Battalion of the north or second Regiment, and that the companies now commanded by Captains Smith, Norwood, Royster and Graves, form the second Battalion of the north or second Regiment.

IV. *And be it further enacted*, That the aforesaid Regiments shall be mustered at least once in every year, on the same day at the Court House, and that each Battalion shall be mustered at least twice in each and every year, at such places as a majority of the commissioned officers of each Regiment shall designate, which place shall be as nearly central to the companies composing the same, as may be convenient.

V. *And be it further enacted*, That this act shall not prevent the Adjutant of the Regiment of Granville from collecting all fines which before have been imposed on any person in court martial.

VI. *And be it further enacted*, That the fines so collected, shall be paid over to the Judge Advocate of the different Regiments from which they were collected, and be applied as all fines heretofore directed by the militia law of this state.

#### CHAP. LXXVI.

An Act to repeal an act passed in the year one thousand eight hundred and six, which makes provision for the payment of Jurors attending the County and Superior Courts for the county of Carteret.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the above recited act, and all other acts for the payment of Jurors attending the said County and Superior Courts, in the county of Carteret, be, and the same are hereby repealed and made void; Any law, usage or custom to the contrary notwithstanding.

#### CHAP. LXXVII.

An Act to amend an act of the General Assembly passed in the year one thousand eight hundred and seven, entitled, "An act making compensation to the Jurors who may hereafter attend the County and Superior Courts in the county of Robeson."

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, any person who shall serve as a Juror in any County or Superior Court in the county of Robeson, shall receive at the rates of five shillings for every thirty miles travelling to and from the Court House, which shall be paid in the same manner as other county claims.

#### CHAP. LXXVIII.

An Act to divide the Militia of the county of Montgomery into two Regiments.

WHEREAS the present situation of the Militia of the county of Montgomery is inconvenient to the citizens of said county: For remedy thereof,

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the Militia of said county, now constituting one Regiment, be divided in manner following, that is to say: That the companies on the north east side of Pedee river, compose a distinct Regiment, to be called the first Regiment of said county, and the companies on the south west side of Pedee river, compose another Regiment, to be called the second Regiment of said county.

II. *And be it further enacted*, That the Colonel or commanding officer of each Regiment, shall appoint the place for holding the first Regimental muster that shall happen after the passing of this act; at which time and place, the commissioned officers of the several Regiments shall appoint the several places at which the respective Regiments shall hereafter hold their Regimental Musters and courts martial.

#### CHAP. LXXIX.

An Act to divide the Regiment of Militia of the county of Wake into two Regiments.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the Militia of the county of Wake, now composing one Regiment, be divided into two Regiments, in manner following, to wit; That the companies commanded by Captains John Wiatt, John Bell, Johnson Busbee, Hardy M'Guffy, John Walton, Cyrus Whitaker, Jeremiah Dunn, John Robertson, Hight Finch, Giles Nance, Elhannon Nutt and William M. White, compose one Regiment, to be called the first Regiment of Wake county; and that the companies commanded by Captains Dempsey Blake, James Speight, David Holland, Thomas Ferril, Ruben Jackson, John Green, Solomon Jones, William Jones, Benjamin Dunn, John Arnold, William M'Cullers and Asa Bacon, compose one other Regiment, to be called the second Regiment of Wake county.

II. *And be it further enacted*, That the Colonel or commanding officer of each Regiment shall appoint the place for holding the first Regimental muster that shall happen after the passing of this act; at which time and place the commissioned officers of the several Regiments shall appoint the several places at which the respective Regiments shall hereafter hold their Regimental Musters and Courts Martial.

#### CHAP. LXXX.

An Act to amend an act passed last Session of the General Assembly, entitled, "An act to divide the Militia of Guilford county into two Regiments."

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, the Militia company of the county of Guilford, lately commanded by Joseph Aydlot, be, and the same is hereby attached to the first Regiment of the Militia of said county.

II. *And be it further enacted*, That the second section of the above recited act, be, and the same is hereby repealed and made void.

#### CHAP. LXXXI.

An Act to divide the third division of the Militia of this State, and to constitute one other brigade out of the fifth and sixteenth brigades of the third division.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the third Division of the Militia of this State be and the same is hereby divided in the following manner, that is to say; the counties of Granville, Person, Caswell, Orange, Chatham, and Randolph shall compose the third division, and the counties of Wake, Franklin, Nash, Halifax, Northampton, Martin, Edgcombe and Warren shall constitute a new and distinct Division, to be stiled the Seventh Division.



1819 II. *And be it further enacted*, That the counties of Edgecombe, Martin, Halifax and Northampton, shall constitute the Fifth Brigade : And the counties of Wake, Nash, Franklin and Warren shall form a new Brigade, to be known and distinguished by the name of the Seventeenth Brigade ; and the said Divisions and Brigades shall be officered according to the laws of this state ; any law, usage or custom to the contrary notwithstanding.

#### CHAP. LXXXII.

An Act to establish a separate Battalion muster in the County of Hyde.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the following Militia districts in the county of Hyde, to wit, Woodstock, Pantigo, and Pungo river shall form a separate Battalion, and shall hold their Battalion musters at the mills belonging to the estate of John Gaylord ; and the militia officers of said county whose duty it shall be to command the militia within the said districts, shall hold and conduct such musters in the same manner as is prescribed for other Battalion musters in said County.

II. *And be it further enacted*, That this act shall continue and be in full force from and after the ratification thereof, any law, usage or custom to the contrary notwithstanding.

#### CHAP. LXXXIII.

An Act to divide the Regiment of Militia of the counties of Randolph and Orange into two separate and distinct Regiments.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the Regiment of Militia of the county of Randolph be, and the same is hereby divided into two separate and distinct Regiments, in the following manner, that is to say ; all that part of the Militia of said county that lies on the south side of Deep river shall constitute one Regiment, to be styled the first Randolph Regiment ; and all that portion of the Militia of said county that lies on the North side of Deep river, shall constitute one other Regiment, to be known and distinguished by the name of the second Randolph Regiment

II. *And be it further enacted*, That the first Regiment of Militia by this act established shall hold their Regimental musters and Reviews at the town of Ashborough, and that the second Regiment of said county established by this act shall hold their Regimental musters and reviews at the house of Jeremiah York, on the waters of Sandy creek.

III. *And be it further enacted*, That the aforesaid Regiments shall be officered agreeably to the laws of this state.

IV. *And be it further enacted by the authority aforesaid*, That the Militia now composing the Hillsborough Regiment of Orange county, be and the same is hereby divided into two separate and distinct Regiments, and each of the said Regiments into two Battalions, as follows : The Companies now commanded by Captains Ray, Parker, Letta, Turrentine, Hart and John Blackwood shall compose the Hillsborough or first Battalion of the Hillsborough Regiment, and shall hold their Battalion musters at Hillsborough ; the Companies now commanded by Captains Duke, Mangum, Heardon, Barber, and Carrington shall compose the Eno or second Battalion of the Hillsborough Regiment, and shall hold their Battalion musters at George Carrington's Mill, which two Battalions shall compose the first or Hillsborough Regiment. The Companies now commanded by Captains Richard Blackwood, Kirk, Thompson, Woods and Lindsay, shall constitute the first Battalion of the Hawfield Regiment, and shall hold their Battalion musters at such place as may be fixed on by a majority of the commissioned officers of said Battalion ; and the companies now commanded by Captains McCawley, Mulholland, Prekett and Lapslee, shall constitute the second Battalion of the Hawfield Regiment, and shall hold their Battalion musters at such place as may be fixed on by a majority of the commissioned officers of said Battalion, which two last Battalions shall compose the second or Hawfield Regiment.

V. *And be it further enacted by the authority of the same*, That that the said Regiments and Battalions shall be officered according to the Militia Laws of this State.

VI. *And be it further enacted*, That each of the said Regiments shall hold their Regimental musters at Hillsborough in each and every year, as by law prescribed ; and both of the said Regiments shall muster at the same time at Hillsborough, whenever ordered to be mustered for the purpose of being reviewed by the Commander in Chief, or by any General Officer within whose command the said Regiments are.

#### CHAP. LXXXIV.

An Act regulating the Battalion musters of the upper Battalion of Craven County, and establishing another Separate Election in said County.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That from henceforth the Companies of Militia of the county of Craven which are at present commanded by Captains Frederick Bryan and Jesse West shall hold their Battalion musters at the house where George Lane, Esquire, resides in said county, any law, usage or custom, or the order of any officer to the contrary notwithstanding.

II. *And be it further enacted by the authority aforesaid*, That another Separate Election for the county of Craven be and the same is hereby established, to be holden on the north side of Neuse River, in the upper end of said county, at the house of Sacaher Dubberley, Esquire ; which said election shall be conducted under the same rules and regulations, to all intents and purposes as now are or hereafter may be prescribed by law for Separate Elections in said county.

#### CHAP. LXXXV.

An Act concerning the second Regiment of the Militia of Cumberland County.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That in future the second Regiment of the Militia of Cumberland county shall be reviewed on General Reviews, at such place as the field officers and the captains of the said Regiment, or a majority of them shall designate, and fix upon as the place of holding their Regimental or Battalion musters.

II. *And be it further enacted*, That all laws and clauses of laws, which come within the purview and meaning of this law, shall be and the same are hereby repealed and made void.

#### CHAP. LXXXVI.

An Act to amend an act passed in the year one thousand eight hundred and seven, entitled "An act to render navigable Colly Swamp in the county of Bladen.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That nothing in the said act contained shall affect the right of the owner or owners of the mill lands formerly owned by Henry Watters, deceased, and by Joseph Watters, lying on the said swamp : *Provided*, the owner or owners of said land, if they should think proper to build a mill or keep up the said pond, shall be bound to erect and keep up a sufficient slip to enable rafts to pass the said mill ; any law to the contrary notwithstanding.

#### CHAP. LXXXVII.

An Act to authorize the citizens residing near Cypress creek, in Duplin county, to clear out and make navigable the said creek from the North East to Gardner's Bridge.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, the citizens residing near Cypress creek in Duplin county, be,



and they are hereby authorized, as soon as they may deem it expedient, to clear out and make navigable the stream called Cypress creek aforesaid, from the North-East river to Gardner's Bridge, in said county. 1812

II. *And be it further enacted*, That the Court of Pleas and Quarter Sessions of the county aforesaid are hereby authorized and directed, on application to them made for that purpose, to appoint three Commissioners for the purpose of carrying this act into effect.

### CHAP. LXXXVIII.

An Act for improving the Navigation of Roanoke River, from the town of Halifax to the place where the Virginia line intersects the same.

WHEREAS the navigation of Roanoke River from the said town of Halifax westward, is of important public utility, and many persons are willing to subscribe money to effect the same, and it is just that such subscribers, their heirs and assigns, should receive reasonable toll in satisfaction for the money advanced by them to execute the said work and for the risk they run.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That it shall and may be lawful to open books of subscription at Edenton, under the directions of Josiah Collins, Jun. John Little and Mathias E. Sawyer, or any two of them; at Plymouth, under the direction of William M. Clark, John Armstead and Josiah Flowers, or any two of them; at Windsor, under the direction of David Stone, Joseph H. Bryan and Kenneth Clark, or any two of them; at Halifax, under the direction of Henry L. Irwin, Robert Johnson and William Burt, or any two of them; at Warrenton, under the direction of Peter R. Davis, John Snow and William Ruffin, or any two of them; at Oxford, under the direction of Thomas B. Littlejohn, William M. Sneed and William Bullock, or any two of them; at Rockborough, under the direction of Alexander Cunningham, Ira Lee and William Jeffers, or any two of them; at Caswell Court House, under the direction of Solomon Graves, Senior, Barzilla Graves, Junior, and Griffin Gunn, or any two of them; at Wentworth, in Rockingham county, under the direction of Robert Galloway, James Campbell and Samuel Hill, or any two of them; at Germantown, in Stokes county, under the direction of Jeremiah Gibson, Peter Hairston and Thomas T. Armstrong, or any two of them; and at Raleigh, under the direction of Henry Seawell, William Boylan and Joseph Gales, or any two of them, for receiving subscriptions to the amount of one hundred thousand dollars for the said undertaking; which subscription shall be made personally or by power of attorney, and shall be in dollars; that the said books shall be opened on the first day of February next, and be kept open until the first day of October next inclusive, and on the fourth Monday of the said month of October, there shall be a general meeting of the subscribers at Halifax town aforesaid, and the managers aforesaid, or any three of them, shall give notice of such meeting in one Newspaper published in the town of Petersburg, in the State of Virginia, and in one or more Newspapers published in the city of Raleigh in this State, one month at least before the day for that purpose appointed, and such meeting shall and may be continued from day to day until the business is finished; and the acting managers shall then and there lay before said meeting, the books by them kept, containing a state of said subscription; and if the capital sum aforesaid shall not have been subscribed, then the managers at Halifax aforesaid, during the said meeting, continue to receive subscriptions to make up the said deficiency; and may thereafter, at such times and places, and on such conditions and terms, as that or any other general meeting of stockholders shall direct, open books for making up any deficiency that may still remain. The President and Directors shall immediately after the said first meeting, and afterwards from time to time, as often as owing to new subscriptions the same shall become necessary, make a list of the subscribers, with the sums subscribed by each person, and return the same under their hands or under the hands of any three of them, to the Secretary's office of the State of North-Carolina there to be recorded; and if more than one hundred thousand dollars shall be subscribed before the said first general meeting of the subscribers, the same shall be reduced to that sum by the managers or a majority of them, by beginning to strike off a share from the largest subscriptions in the first instance, and continuing to strike off one share from all subscriptions under the largest and above one share, until the same is reduced to the capital aforesaid of one hundred thousand dollars, or until one share is taken from all subscriptions above one share; and lots shall be drawn between subscriptions of equal sums to determine the numbers, in which such subscribers shall stand on a list to be made for striking off as aforesaid, and if the sum subscribed still exceeds the capital aforesaid, then they shall strike off by the same rule, until the sum subscribed is reduced to the capital aforesaid, or until all the subscribers shall be reduced to one share, and if there still be an excess, then lots shall be drawn to determine the subscribers who are to be excluded to reduce the subscription to the capital aforesaid; and the said capital sum shall be divided into one thousand shares of one hundred dollars each; and any person may subscribe for one or more whole shares but not for part of a share, and this state shall, until the fourth Monday in April in the year one thousand eight hundred and fourteen, have the right in preference of all others of subscribing for two hundred shares; and if at the time when such subscription on behalf of this State shall be made, more than eight hundred shares shall have been subscribed for by individuals, then the said subscriptions by individuals shall be reduced to eight hundred shares, by striking off in the manner herein before directed; and the money paid on the shares struck off, (if any) shall be returned to the owners of such shares: *Provided*, That unless four hundred shares shall be subscribed before, or at the meeting of the subscribers at Halifax in Halifax town, on the fourth Monday in October next, all subscriptions made in consequence of this act, shall be void.

II. *And be it further enacted*, That in case four hundred shares or more of said capital, shall be subscribed as aforesaid, the subscribers, their heirs and assigns from the time of the said first meeting, shall be, and they are hereby declared to be incorporated into a company by and under the name of "The Roanoke Navigation Company," and may sue and be sued, as such; and such of the said subscribers as shall be present at the said meeting or a majority of them, are hereby empowered and required to elect a President and four Directors for conducting the said undertaking, and managing all the said company's business and concerns for and during such time, not exceeding one year, as the said subscribers or a majority of them shall think fit; and in counting the votes of all general meetings of the said company, each member shall be allowed one vote for every share as far as ten shares, and one vote for every five shares above ten by him or her held at the time in the said company; and any proprietor by writing under his or her hand, executed before two subscribing witnesses and acknowledged or proved before a Justice of the Peace, may depute any member to act as proxy for him or her at any general meeting or meetings, and the presence and acts of such proxy shall be as effectual, to all intents and purposes as the presence or acts of his or her principal could or might be.

III. *And be it further enacted*, That the President and Directors, and their successors or a majority of them assembled, shall have power and authority to agree with any person or persons on behalf of the company to open and improve the navigation of Roanoke River from the town of Halifax, westward to where the Virginia line intersects the same by canals locks or sluices from place to place, and from time to time upon such terms as they shall think fit, and out of the said capital and money arising from tolls, pay for making and repairing all works necessary for the said navigation, and also to appoint a Treasurer, not one of their own body but yet a proprietor, Clerk, Toll-gatherers, and such Officers, Managers and Servants as they shall think requisite, and also to agree for their wages, settle and pass their accounts, and at their pleasure to remove all or any of them, and appoint others in their place, and also to establish rules of proceeding; and generally to transact all the business of the company in the intervals between the general meetings of the same; and any general meeting of the Proprietors may allow the said President and Directors such sum of money as the said general meeting may judge a reasonable compensation for their trouble; *Provided always*, That the Treasurer shall give bond and security as the President and Directors, or a ma-



1812  
 jority of them shall direct, for the true and faithful discharge of the trust reposed in him, and that the allowance to be made to him, shall not exceed three dollars in the hundred, for the disbursements by him made, and that no officer of the said company shall have a vote in the settlement or passing of his own accounts.

IV. *And be it further enacted,* That each subscriber shall pay for every share by him or her subscribed, at the first general meeting, to be held as aforesaid, the sum of ten dollars to the Treasurer of the company : and the names of those who fail to pay then and there, may be struck off the books, and others complying with this regulation may take such shares ; and the President and Directors, and their successors or a majority of them shall have power from time to time, as money may be wanting, to make and sign orders for that purpose, and direct at what times and in what proportions the subscribers shall pay the sums by them subscribed, which orders shall be advertised at least one month in some one Newspaper published in the town of Petersburg in Virginia, and in one or more Newspapers published in the city of Raleigh in North-Carolina ; *Provided always,* That the President and Directors shall not demand from the subscribers more than thirty three dollars and one third per share in one year, and if any of the subscribers, their heirs or assigns, shall fail to pay their proportions required within one month after the same is so advertised, the President and Directors or a majority of them, may sell at auction and convey to the purchasers, the shares of the subscribers so failing, giving at least one month's notice of the sale in the Newspapers aforesaid, and all such sales shall be in the town of Halifax aforesaid, and after retaining the sum due, together with the interest thereon and charges of sale, out of the money produced thereby, they shall refund and pay the surplus, if any, to the former owners ; and if such sale shall not produce the full sum ordered and directed to be advanced as aforesaid, with interest and incidental charges, the said President and Directors, or a majority of them may, in the name of the company, sue for and recover the balance by motion in any Court of competent jurisdiction, on ten days previous notice ; and the said purchaser or purchasers shall be subject to the same rules and regulations, and entitled to the same profits and privileges as if the sale or conveyance had been made by the original proprietor.

V. *And be it further enacted,* That from time to time, on the expiration of the term for which the said President and Directors may be appointed, the proprietors at their next general meeting, shall either continue the said President and Directors, or any of them, or choose others in their stead, and in case of the death, removal, resignation or incapacity of the President or any of the Directors, the remaining members of that body, may appoint a successor until the next general meeting ; and the proprietors, at their next general meeting shall fill up such vacancy, and may at any general meeting, remove the President or any of the Directors and appoint others in their stead for and during the term for which such person or persons were at first to have acted.

VI. *And be it further enacted,* That every President and Director, before he acts as such, shall take an oath or affirmation for the due execution of his office.

VII. *And be it further enacted,* That the presence of proprietors owning a majority of shares, shall be necessary to constitute a general meeting, and that from and after the first general meeting of the subscribers, the general meeting shall be held on the fourth Monday in April annually, at the town of Halifax aforesaid ; but if a sufficient number shall not attend on that day, the proprietors who do attend, may adjourn such meeting from day to day until the business of the company is finished ; to which meeting the President and Directors shall make report, and render distinct and just accounts of all their proceedings, and on finding them fairly and justly stated, the proprietors then present or a majority of them, shall give a certificate, a duplicate of which shall be entered on the said company's books ; and at such yearly general meeting, after leaving in the hands of the Treasurer, such sum as the proprietors then present, or a majority of them shall judge necessary for repairs and contingent charges, an equal dividend of all the nett profits arising from the tolls hereby granted, shall be ordered and made to the proprietors of the said company in proportion to their several shares ; and on any emergency in the interval between the said yearly meetings, the President or a majority of the Directors, may appoint a general meeting of the proprietors of the company at the town of Halifax aforesaid, giving at least one month's previous notice in the manner heretofore directed, which meeting may be adjourned and continued as aforesaid.

VIII. *And be it further enacted,* That for and in consideration of the expences the said proprietors will be at, not only in cutting canals, erecting locks, and performing other works necessary for this navigation, but in maintaining and keeping the same in repair ; the said canals, locks, and every work and thing appertaining to the said navigation, with all the profits arising from the same, or any part thereof, shall be and they are hereby vested in the said proprietors, their heirs and assigns forever, as tenants in common in proportion to their respective shares ; and the same shall be exempt from the payment of any tax, imposition or assessment whatsoever ; and it shall and may be lawful for the said President and Directors respectively, and at all times hereafter, to demand and receive at some convenient place or places, at or near the falls of Roanoke, for all commodities transported through any canal, lock, or sluice, made by the said company, tolls according to the following table and rates, to wit : For every pipe or hogshead of wine, containing more than sixty-five gallons, seventy five-cents ; every hogshead of rum or other spirits, sixty-five cents ; every cask between sixty-five gallons and thirty-five gallons, half of a pipe or hogshead ; barrels, one fourth part of a pipe or hogshead, and smaller casks or kegs in proportion, according to the quantity of their contents of wine or spirits ; for casks of linseed oil, the same as spirits ; every hogshead of tobacco, fifty cents ; every bushel of wheat, peas, beans or flax seed, three cents ; every bushel of indian corn or other grain, or salt, two cents ; every barrel of pork, fish or beef, twenty-five cents ; every barrel of flour fifteen cents ; every ton of hemp, flax or pot-ash, one hundred and fifty cents ; every ton of manufactured iron, one hundred and twenty-five cents ; every ton of pig-iron or castings, fifty-two cents ; every ton of copper, lead or other ore than iron ore, one hundred and twenty-five cents ; every ton of stone or iron ore, twenty-five cents ; every hundred bushels of lime, fifty-cents ; every hundred weight of cotton in seed, ten cents ; every hundred weight of clean cotton, forty cents ; every chaldron of coals, twenty-five cents ; every hundred pipe staves, eight cents ; every hundred hogshead staves, or pipe or hogshead heading, five cents ; every hundred barrel staves or barrel heading, four cents ; every hundred hogshead hoops, four cents ; every hundred barrel hoops, two cents ; every hundred cubic feet of plank or scantling, twenty-five cents ; every hundred cubic feet of other timber, twenty cents ; every gross hundred weight of all other commodities or packages, eight cents ; all other produce, goods, wares or merchandise, one fourth of one per cent ; every boat or vessel which has not commodities aboard to yield so much, one hundred and fifty cents ; *Provided,* That an empty boat or vessel returning, whose load has already paid at the respective places, the sums fixed at each, shall repass toll-free ; *Provided always,* That the said tolls shall be abated in cases where only a partial navigation shall be effected, in proportion to the length or distance through which any person or persons may pass ; and that such partial charges of toll shall be regulated by the President and Directors of the company in such manner as they may think proper ; and if any person or persons shall refuse to pay the tolls at the time of offering to pass the places appointed for their collection and previous to passing the same, the Collectors respectively may lawfully refuse passage to the person or persons so refusing ; and if any vessel shall pass without paying the toll, then the said Collectors respectively, may lawfully seize such boat or vessel and sell the same at auction for ready money, after advertising the sale at least ten days ; the money arising from which sale, so far as is necessary shall be applied towards paying the said tolls, and all expences of seizure and sale, and the balance if any, shall be paid to the owner ; and the person having the direction of such vessel shall be liable for such tolls if the same are not paid by the sale aforesaid.

IX. *And be it further enacted,* That as soon as the said company shall have so far completed their works, as that they are ready for the transportation of produce, they shall advertise the same in three of the public News-Papers of this state, and in one News-Paper published in the town of Petersburg, in the state of Virginia ; and this Legislature may, at the expiration of twenty-five years thereafter, and at the expiration of every twenty-five years there-



after, alter the rates of Toll hereby established : *Provided*, That this Legislature shall not at any time reduce the rates of tollage so as to reduce the profits arising therefrom, below fifteen per cent. upon the capital stock.

X. *And be it further enacted*, That the President and Directors of the said company shall, every twenty-fifth year, after their works are completed, and ready for the transportation of produce, make return to this General Assembly of the amount of toll received by them for the preceding twenty-five years ; which return shall be sworn to before some one of the Judges of the Superior Courts of law of this State, or in open Court in some one of the Courts of Pleas and Quarter Sessions of this State.

XI. *And be it further enacted*, That the navigation and works of the said company, done in pursuance of this act, when completed, shall be forever thereafter considered as public highways, free for the transportation of all goods, wares, commodities or produce whatsoever, on payment of the tolls imposed by this act ; and no other toll or tax whatever for the use of the water of the said navigation and works thereon erected, shall at any time hereafter be imposed without the consent of this Legislature.

XII. And whereas it may be necessary to complete the navigation aforesaid, that certain portions of land or rocks, or fish stands in the river, should be condemned for the purpose ; *Be it further enacted*, That it shall be lawful for the President and Directors, or a majority of them, to agree with the owners of any lands, rocks, sluices, or fish stands, through which the said navigation is intended to pass, for the purchase thereof ; and in case of disagreement, or if the owner shall be feme covert, under age, non compos or out of the State, on application to any two Justices of the county in which such lands, rocks, sluices or fish stands lie, the said Justices shall issue their warrant to the Sheriff of the said county, to summon a jury of eighteen Freeholders, not related to the parties, and disinterested, to meet on the land to be valued at a day to be expressed in the said warrant, not less than ten, nor more than twenty days thereafter ; and the Sheriff, on the receipt of the said warrant, shall summon the said jury, and when met, shall administer an oath or affirmation to each of them, provided twelve or more appear ; to wit : That he will impartially value the thing in question, and consider all damages the owner thereof may sustain, in consequence of being divested of his property therein ; and that he will not in his valuation, spare any person through favour, nor injure any one through malice or hatred, and the inquisition so taken shall be signed by the Sheriff and twelve or more Jurors, and returned to the Clerk of the county to be recorded ; and in all such cases, the jury is directed to describe the thing valued, and their valuation shall be conclusive ; and the President and Directors shall pay the same to the owners of the thing valued, or his legal representatives, and if neither can be found in the state, or if found, should refuse to receive the money, then to the Clerk of the Court of Pleas and Quarter Sessions for the county, and on payment thereof, the said company shall be seised in fee of the thing valued, whether it be land, rocks, sluices or fish-stands in the same manner as if conveyed to them by the owners, by legal conveyance, *Provided*, That such condemnation shall not interfere with dwelling houses.

XIII. *And be it further enacted*, That the President and Directors or a majority of them, may agree with the proprietor or proprietors for any quantity of land not exceeding four acres at or near each place intended for collecting the tolls aforesaid, for the purpose of erecting necessary buildings, and in case of disagreement or any of the disabilities aforesaid, or the proprietor or proprietors being out of the State, the same proceeding may be had, and the same consequences shall follow as are enacted in the preceding clause.

XIV. *And be it further enacted*, That it shall and may be lawful for every proprietor to transfer his or her share or shares by deed executed before two witnesses, and registered after proof of the execution in the company's books and not otherwise, except by devise ; which devise shall also be exhibited to the President and Directors, and registered, before the devise shall be entitled to draw any part of the profits from the said tolls, *Provided*, That no share or shares shall at any time be sold, conveyed, transferred or held in trust for the use and benefit, or in the name of another, whereby the said President and Directors, or proprietors, members of the said company or any of them, shall or may be challenged or made to answer any such trust, but that every such person appearing as aforesaid to be a proprietor shall, as to the others of the said company, be to every intent taken absolutely as such ; but between any trustee and the person for whose benefit such trust shall be created, the common remedy may be pursued.

XV. *And be it further enacted*, That if the said capital shall prove insufficient it shall and may be lawful for the said company from time to time to increase their capital by the addition of so many whole shares as shall be judged necessary by the proprietors, members of said company or a majority of them who shall be present at any general meeting, and on such terms as the said general meeting shall think fit ; and the said President and Directors or a majority of them, are hereby empowered and required, after giving one month's notice in one Newspaper published in Petersburg aforesaid, and in one or more Newspapers published at Raleigh aforesaid, to open books at the before mentioned places, for receiving and entering such additional subscriptions, in which the proprietors for the time being are hereby declared to have the preference of all others, for the first thirty days after the books shall be opened as aforesaid, of taking and subscribing for so many whole shares as any of them shall choose ; and the President and Directors are hereby required to observe in all other respects, the same rules therein as are by this act prescribed for receiving and adjusting the first subscriptions, and in like manner to return under the hands of any three or more of them, an exact list of such additional subscribers, with the sums by them respectively subscribed, into the Secretary's office of the State of North-Carolina, to be there recorded ; and all proprietors of such additional shares shall, and are hereby declared to be from thence forward, incorporated into the said company.

XVI. *And be it further enacted*, That if the said company shall not complete the navigation so as to admit the safe passage of boats through the same within ten years after the conclusion of the present war, all preference in favour of the said company in said navigation shall be forfeited ; *Provided*, That if the said company shall, at the expiration of the said ten years, have completed two thirds of the said navigation, they shall have a further time of three years for completing the same.

XVII. *And be it further enacted*, That the said company and their successors, shall have the power of purchasing and holding, and selling real and personal estate ; and if any person or persons shall be sued for any thing done in pursuance of this act, he or they may plead the general issue and give this act and the special matter in evidence, and on a verdict against the Plaintiff or Plaintiffs, or nonsuit, or discontinuance, recover costs of suit.

XVIII. *And be it further enacted*, That the General Assembly of North-Carolina shall not impose any restriction, duty or impost on commodities, manufactures, produce or merchandize transported by the said navigation, and that no distinction be made between the people of North-Carolina and the people of Virginia, *Provided*, That this General Assembly may make such regulations, respecting the inspection of produce brought down the said River Roanoke and intended for exportation, as they shall think proper, making no distinction between the people of North-Carolina and the people of Virginia. *And provided always*, That nothing in this act contained shall be construed to exempt from taxation, any lands or other property of the said company other than that immediately used for the navigation by this act contemplated to be effected.

XIX. *And be it further enacted*, That all laws and parts of laws that come within the purview and meaning of this act are hereby declared void and of no effect, and that no part of this act shall be so construed as to interfere with the stipulations and provisions of an act passed at Raleigh in the year one thousand eight hundred and eleven, entitled "An act to incorporate a company for the purpose of cutting a navigable Canal from Roanoke river and from the waters of Chowan river in this State, to some of the waters of James river in the state of Virginia, or to the Dismal Swamp Canal."



## CHAP. LXXXIX.

An Act for opening and improving the navigation of Neuse River.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That for the purpose of opening and extending the navigation of the river Neuse it shall and may be lawful to open books of subscription at Raleigh under the direction of Joseph Gales, Calvin Jones and Henry Seawell, or any two of them; at Newbern under the direction of John Stanly, William Shepherd and William Holleston, or any two of them; for receiving subscriptions to the amount of fifty thousand dollars for the said undertaking; the subscriptions shall be made personally or by power of attorney, and shall be in dollars. The said books shall be opened on the first day of April next, and be kept open till the fifteenth day of July next, and on the said fifteenth day of July there shall be a general meeting of the subscribers at the city of Raleigh; and the managers aforesaid or any two of them shall give notice of the said meeting in one or more of the newspapers published in Raleigh, one month at least before the day for that purpose appointed; the meeting shall and may be continued from day to day until the business is finished; the acting managers shall then and there lay before the said meeting the books by them kept, containing a statement of the subscriptions made; if the capital sum aforesaid shall not have been subscribed, the managers shall at Raleigh, during the said meeting, continue to receive subscriptions to make up said deficiency; and the proprietors may thereafter at such times and places and on such terms and conditions as any general meeting of the stockholders shall direct, cause to be opened books of subscription for making up any deficiency that may still remain.

*II. Be it further enacted,* That the President and Directors, shall immediately after the said first general meeting and afterwards from time to time as often as new subscriptions shall render the same necessary, cause a list of the subscribers with the sums subscribed by each to be made, and to return the same under their hands or under the hands of three of them to the office of the Secretary of State, there to be recorded. If more than the sum of fifty thousand dollars shall be subscribed before the said first general meeting of subscribers, the same shall be reduced to that sum by the managers or a majority of them, by striking off from the largest subscriptions, a share or shares until the whole sum shall be reduced to the said sum of fifty thousand dollars: the said capital sum shall be divided into five hundred shares of one hundred dollars each, and any person or persons may subscribe for one or more whole shares, but not for a part of a share. The State shall, until the first day of January in the year one thousand eight hundred and fourteen, have the right in preference of all others, of subscribing for one hundred shares of the said stock. If one hundred shares shall not be subscribed in the said stock before, or on the said first day of January in the year one thousand eight hundred and fourteen, all subscriptions made under this act shall be void.

*III. And be it further enacted,* That if one hundred shares or more, of the said capital stock shall be subscribed before or on the said first day of January in the year one thousand eight hundred and fourteen, the subscribers, their heirs and assigns from the time of their subscription, shall be, and they are hereby declared to be incorporated into a company by the name of the Neuse River Navigation Company, and by the said name may sue and be sued, have a common seal alterable at pleasure, and be invested with all the rights and powers properly and legally belonging to a body corporate; and in case one hundred shares shall be subscribed in the said capital stock, before or during the meeting of proprietors directed to be held in July next, such of the subscribers as shall be present at the said meeting, are hereby empowered and required to choose a President and three directors for conducting the said undertaking, and managing all the business and concerns of the said company, for such term not exceeding one year, as the said subscribers shall think fit. If one hundred shares shall not have been subscribed to the capital stock of the said company before the end of the general meeting directed to be held in July next, the proprietors are further authorised to choose a President and three Directors at any time thereafter at a general meeting to be held on or before the first day of January in the year one thousand eight hundred and fourteen, after one hundred shares shall have been subscribed. In counting the votes at all general meetings of the said company, each member shall be allowed one vote for each and every share held by him or her in the stock of the said company; any proprietor by writing under his or her hand, executed before two subscribing witnesses and acknowledged or proved before a Justice of the Peace, may depute a member to act as proxy for him or her; and the acts of such proxy shall be as effectual as the acts of his or her principal would be.

*IV. And be it further enacted,* That the said President and Directors or a majority of them shall have power in behalf of the said company to contract for the opening and improving or otherwise cause to be opened and improved the navigation of Neuse River, from the present head of boat navigation therein, below Lockhart's Falls, westward to Crabtree Falls, including both places, by canals, locks or sluices from place to place; and from time to time as they shall think fit; and out of the said capital and money arising from tolls, to pay for making and repairing all works necessary for the said navigation as well as all other expences incident to the said undertaking, and also to appoint and employ, removable at their pleasure, all such officers, clerks and servants, as in their judgment shall be necessary for carrying on the affairs of the said company; to establish the salaries and conditions upon which their officers shall be employed; to make bye laws, and establish rules of proceeding not inconsistent with the laws and constitution of the State; and generally to transact all the business of the company in the intervals between the general meetings of the same. Any general meeting of the proprietors may allow the President and Directors such sum of money as the said general meeting shall judge to be a reasonable compensation for their trouble.

*VII. And be it further enacted,* That each proprietor shall pay for every share by him or her held at the first general meeting at which a President and Directors shall be appointed as aforesaid, the sum of five dollars. The names of those who fail to pay then and there, may be struck off the books, and others complying with this regulation may take their shares. The President and Directors or a majority of them shall have power to direct at what times and in what proportion the subscribers shall pay the sums by them respectively subscribed, and the orders for this purpose shall be advertised at least one month in some one of the papers published at Raleigh; but the said President and Directors shall not demand more than twenty-five dollars on a share in one year. If any of the subscribers or proprietors their heirs or assigns shall fail to pay the advances required within one month after the time assigned for the payment thereof by the President and Directors as aforesaid, the said President and Directors or a majority of them are hereby authorised to sell at auction and convey to the purchasers the share or shares of the subscribers or proprietors so failing, giving at least one month's notice of the sale in some newspaper published at Raleigh as aforesaid, and after retaining the sum due with interest thereon and charges of sale out of the money produced thereby, they shall refund the surplus if any, to the former owners. If such sale shall not produce the full sum directed to be advanced as aforesaid with interest and incidental charges, the said President and Directors or a majority of them may in the name of the company, sue for and recover the balance in any Court of competent jurisdiction.

*VIII. And be it further enacted,* That from time to time, on the expiration of the term for which the said President and Directors may be appointed, the proprietors at their next general meeting shall either continue the said President and Directors, or any of them, or choose others in their stead; and in case of the death, removal, resignation or incapacity of the President or any of the Directors, the remaining members of that body may appoint a successor until the next general meeting; and the proprietors at their next general meeting shall fill up such vacancy, and may at any general meeting, remove the President or any of the Directors and appoint others in their stead, for and during the term for which such person or persons were at first to have acted.

*IX. And be it further enacted,* That every President and Director before he acts as such, shall take an oath or affirmation for the faithful discharge of the duties of his office.



X. *And be it further enacted*, That the presence of proprietors owning a majority of shares shall be necessary to constitute a general meeting; and general meetings after the first, shall be held at such time and place annually as the proprietors in general meeting shall appoint for the purpose; and if a sufficient number shall not attend on the day and at the place appointed, the proprietors who do attend on that day may adjourn such meeting from day to day until the business of the company is finished; to which meeting the President and Directors shall make report and render distinct and just accounts of all their proceedings, and on finding the said accounts fairly and justly stated, the proprietors then present or a majority of them, shall give a certificate, a duplicate of which shall be entered on the said company's books. And at such yearly general meeting, after leaving in the hands of the Treasurer, such sum as the proprietors then present, or a majority of them, shall judge necessary for repairs and contingent charges, an equal dividend of all the nett profits arising from the tolls hereby granted shall be ordered, and made to the proprietors in proportion to their several shares. On any emergency in the intervals between the said yearly meetings, the President and Directors or a majority of them may appoint a general meeting of the proprietors of the company, giving at least one month's notice as before directed, which meeting may adjourn and continue as aforesaid.

XI. *And be it further enacted*, That in consideration of the expences the said proprietors will be at in cutting canals, erecting locks and performing other works necessary for their navigation, and in maintaining and keeping the same in repair, the said canals, locks and every thing appertaining to the said navigation, with all the profits arising from the same or any part thereof, shall be, and they are hereby vested in the said proprietors, their heirs and assigns forever as tenants in common, in proportion to their respective shares; and the same shall be exempt from the payment of any tax, imposition or assessment whatever. And it shall and may be lawful for the said President and Directors at all times hereafter, to demand and receive at some convenient place or places, for all commodities transported through any canal, lock or sluice made by the said company, tolls according to the following table and rates, to wit:

| CENTS.  |                  | CENTS.  |                    |
|---|------------------|---|--------------------|
| For every pipe or hogshead of wine containing more than sixty-five gallons                  | fifty            | —every hundred weight of cotton in seed   | eight              |
| —barrels one fourth part of the price for a pipe or hogshead                                |                  | —every hundred weight of cotton (cleaned)   | thirty             |
| —smaller casks in proportion according to the quantity of their contents of wine or spirits |                  | —every chaldron of coals  | twenty             |
| —casks of linseed oil the same as spirits   |                  | —every hundred pipe staves  | six                |
| —every hogshead of tobacco  |                  | —every hundred hogshead staves or pipe or hogshead heading  | four               |
| —every bushel of wheat, beans, peas or flax-seed  | forty            | —every hundred barrel staves or barrel heading  | three              |
| —every bushel of Indian corn or other grain or salt   | two and a half   | —every hundred hogshead hoops   | three              |
| —every barrel of pork, fish or beef   | two              | —every hundred barrel hoops   | two                |
| —every barrel of flour  | twenty           | —every hundred cubic feet of plank or scantling   | fifteen            |
| —every ton of hemp, flax or pot ash   | hundred & a half | —every hundred cubic feet of other timber   | twelve and a half  |
| —every ton of iron in bars or manufactured  | one hundred      | —every gross hundred weight of all other commodities or packages  | six                |
| —every ton of pig iron or castings  | fifty            | —every cask containing between sixty-five and thirty-five gallons, half the price of a pipe or hogshead |                    |
| —every ton of copper, lead or other ore than iron   | one hundred      | —all other produce, goods, wares and merchandise one fourth of one per cent                             |                    |
| —every hogshead of rum or other spirits   | forty-five       | —every boat or vessel which has not commodities on board to yield so much                               | one hundred thirty |
| —every ton of stone or iron ore   | twenty           |   |                    |
| —every hundred bushels of lime  | fifty            |   |                    |

*Provided*, That an empty boat or vessel returning, whose load has already paid at the respective places the sums fixed at each, shall repass toll free. *And provided further*, That the said tolls shall be abated in cases where only a partial navigation shall be effected, in proportion to the length or distance through which any person or persons may pass. The partial charges of toll shall be regulated by the President and Directors of the company, in such manner as they may think proper; and if any person or persons shall refuse to pay the tolls at the time of offering to pass the places appointed for their collection, and previous to passing the same, the Collectors may lawfully refuse a passage to the person or persons so refusing; and if any boat or vessel shall pass without paying the toll, then the said Collectors respectively may lawfully seize such boat or vessel and sell the same at auction for ready money, after advertising the said sale at least ten days; the money arising from which sale, so far as is necessary, shall be applied towards paying the said tolls and all expences of seizure and sale, and the balance, if any, shall be paid to the owner; and the person having the direction of such boat or vessel, shall be liable for such tolls if the same are not paid by the sale aforesaid.

XII. *And be it further enacted*, That as soon as the said company shall have so far completed their works, as that they are ready for the transportation of produce, they shall advertise the same in three of the public newspapers of this State; and the Legislature may at the end of twenty-five years thereafter, alter the rates of toll hereby established. But the Legislature will not at any time, reduce the rates of tollage so as to reduce the profits arising therefrom, below fifteen per centum upon the capital stock.

XIII. *And be it further enacted*, That the President and Directors of the said company shall, every twenty-fifth year after their works are completed and ready for the transportation of produce, make return to the General Assembly of this State, of the amount of toll received by them for the preceding twenty five years, which return shall be sworn to before some one of the Judges of the Superior Courts of Law of this State, or in open Court in some one of the County Courts.

XIV. *And be it further enacted*, That the navigation and works of the said company done in pursuance of this act when completed, shall forever thereafter be considered as public highways, free for the transportation of all goods, wares, commodities or produce whatever, on payment of the tolls imposed by this act; and no other toll or tax whatever for the use of the water of the said navigation, or works thereon erected, shall at any time hereafter be imposed without the consent of this Legislature.

And whereas it may be necessary for completing the navigation aforesaid, that certain portions of land or rocks in the river should be condemned for the purpose, *Be it further enacted*, That it shall be lawful for the President and Directors or a majority of them to agree with the owners of any land or rocks, through which the said navigation is intended to pass, for the purchase thereof; and in case of disagreement, or if the owner shall be a married woman, under age, deprived of reason, or out of the state, on application to any two Justices of the county in which said lands or rocks lie, the said Justices shall issue their warrant to the Sheriff of the county, to summon a jury of eighteen Freeholders, not related to the parties and disinterested, to meet on the land to be valued at a day to be expressed in the said warrant, not less than ten nor more than twenty days thereafter, and the Sheriff on receipt of said warrant, shall summon the said Jury, and when met, shall administer an oath or affirmation to each of them, *Provided*, twelve or more appear, to wit: That he will impartially value the thing in question, and consider all damages the owner thereof may sustain in consequence of being divested of his property therein; and that he will not in his valuation, spare any person through favour, nor injure any one through malice or hatred; and the inquisition so taken shall be signed by the Sheriff and twelve or more Jurors, and returned to the Clerk of the county to be recorded. And in all such cases, the Jury is directed to describe the thing valued, and their valuation shall be conclusive; and on payment of the price or valuation so made as aforesaid by the President and Directors, to the owner of the thing valued or his legal representatives, and if neither can be found in the State, or if found, should refuse to receive the money, then to the Clerk of the Court of Pleas and Quarter Sessions for the county, the said company shall be seised.



1812 in fee of the thing valued, whether land or rocks, in the same manner as if conveyed to them by the owner by legal conveyance; *Provided*, That such condemnation shall not interfere with dwelling houses.

XV. *And be it further enacted*, That the President and Directors or a majority of them, may agree with the proprietor or proprietors of any quantity of land not exceeding four acres, at or near each place intended for collecting the tolls aforesaid, for the purpose of erecting necessary buildings; and in case of disagreement or any of the disabilities aforesaid, or the proprietor or proprietors, being out of the State, the same proceedings may be had, and the same consequence shall follow as are directed in the next preceding section.

XVI. *And be it further enacted*, That it shall and may be lawful for every proprietor to transfer his or her share or shares by deed, executed before two witnesses, and registered after proof of the execution thereof, in the company's books, and not otherwise except by devise, which devise shall be exhibited to the President and Directors, and registered in the books of the company before the devisee shall be entitled to draw any part of the profits from the said tolls: *Provided*, That no transfer shall be made, except for one or more shares, and not for part of such shares; and no share or shares shall at any time be sold, conveyed, transferred or held in trust, for the use or benefit, or in the name of another, whereby the President and Directors, or proprietors, members of the said company, or any of them, shall or may be challenged or made to answer any such trust. But every person appearing as aforesaid to be a proprietor, shall as to the others of said company, be to every intent taken absolutely as such; but between any trustee and the person, for whose benefit such trust shall be created, the common remedy may be pursued.

XVII. *And be it further enacted*, That if the said capital shall prove insufficient, it shall and may be lawful for the said company, from time to time to increase their capital by the addition of so many whole shares as shall be judged necessary by the proprietors, members of the said company or a majority in interest of them, who shall be present at any general meeting, and on such terms as the said general meeting shall think fit. And the said President and Directors, or a majority of them, are hereby empowered and required, after giving one month's notice in one or more of the Newspapers published in Raleigh, to open books at the before mentioned places for receiving and entering such additional subscriptions in which the proprietors for the time being, are hereby declared to have the preference of all others for the first thirty days after the said books shall be opened as aforesaid, of taking and subscribing for as many whole shares as any of them shall choose; and the President and Directors are hereby required to observe in all other respects, the same rules therein, as are by this act prescribed for receiving and adjusting the first subscriptions; and all proprietors of such additional shares are hereby declared to be from thence forward incorporated into the said company.

XVIII. *And be it further enacted*, That if the said company shall not complete the said navigation so as to admit the passage of boats through the same within twelve years from the first day of January next, all preference in favour of the said company in the said navigation shall be forfeited; *Provided*, That if the said company shall at the expiration of the said twelve years, have completed two thirds of the said navigation, they shall have a further time of three years, to complete the same.

XIX. *And be it further enacted*, That the said company and their successors, shall have the power of purchasing, holding and selling real and personal estate; and if any person or persons shall be sued for any thing done in pursuance of this act, he or they may plead the general issue, and give this act and the special matter in evidence, and on a verdict against the plaintiff or plaintiffs, or nonsuit or discontinuance, recover costs of suit.

XX. *And be it further enacted*, That all laws and parts of laws coming within the purview and meaning of this act, are hereby declared void and of no effect.

#### CHAP. XC.

An Act appointing Commissioners for the purpose of completing the navigation of Neuse River and for other purposes.

*BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That William Sassei, David Turner, Bryan Smith, Daniel Boon and John M. Smith, be, and they are hereby appointed Commissioners for the purpose of completing the navigation of Neuse River, from Lockhart's Falls to Newbern.

II. *And be it further enacted*, That the Commissioners aforesaid or a majority of them, are hereby vested with full power and authority to raise a sum not exceeding twenty-five hundred dollars by lottery at such time, and under such rules as they may think proper to adopt, for the purpose of completing the navigation aforesaid; and they or a majority of them, are hereby declared to have full power and authority at all times to adopt such rules and regulations as may appear to them necessary for the purpose of carrying this act into effect.

III. *And be it further enacted*, That the said Commissioners, previous to their drawing the lottery authorised by this act, shall enter into bond with security, which shall be approved by the County Court of Johnston and filed in the Clerk's office of said county, in the penal sum of five thousand dollars payable to the Governor and his successors in office, to be void on condition that the said lottery is conducted fairly and justly; and that they pay to the fortunate adventurers such money as they may be entitled to in consequence thereof; and in case the said lottery is not drawn, that they refund to the holders of tickets the amount which the said Commissioners had received for the same, and that the profits arising to the Commissioners in consequence of such lottery, shall be by them applied solely and exclusively for the purpose of completing the navigation aforesaid.

IV. *And be it further enacted*, That the said Commissioners or a majority of them, be, and they are hereby authorised and directed to appropriate all the profits arising from said lottery to the removing of obstructions from, and otherwise improving the navigation of the river aforesaid between Lockhart's falls and Newbern, according to such mode or plan as to them, or a majority of them shall seem meet: and shall within two years after the drawing of said lottery, render a faithful account of their disbursements and expenditures into the County Court of Johnston; in failure whereof the bond aforesaid shall be put in suit, and the costs of said suit shall at all events fall upon the Commissioners aforesaid.

#### CHAP. XCI.

An Act to render navigable Long Creek in New-Hanover county to the head of a Lake at the mouth of Cypress Creek, about eight miles above the place where it is now navigable.

*BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That Daniel Burdeaux, Senior, John Kincair, A. D. Burdeaux, John Evans, Richard Burdeaux, John Walker, James Moore, W. J. Larkins, Joel Parrish, Thomas Sharpless, Robert Larkins, John Crews, Arthur Stuckey, and William Croom, be, and they are hereby appointed, incorporated and styled the "Long Creek Company," and by the same name and style, may sue and be sued, plead and be impleaded in any Court in this State, and make such rules and regulations for their own government as they shall think proper, and in case of the death, removal or refusal to act, of either of the said company, the majority of the acting members thereof are hereby empowered to appoint some other person or persons to fill such vacancy.

II. *And be it further enacted*, That a majority of the said company shall constitute a quorum to transact business, and shall have full power to receive subscriptions and donations from such public spirited persons as may be inclined to aid such laudable undertakings, and dispose of the same as they may think proper for the purpose aforesaid.

III. *And be it further enacted*, That the said company shall have full power to remove all obstructions that they may deem necessary for the safe passage of boats; and if any person or persons shall act or do any thing to injure



said navigation, such person or persons shall be answerable to the said company in double the damages thereby sustained.

IV. *And be it further enacted*, That the said company shall keep open their books of subscription and donations, until such time as they shall judge that they have a sufficiency subscribed, and then shall proceed to open said navigation, and the same when completed, shall be, and remain a public highway for the transportation of all craft, goods, wares and merchandize free from toll.

V. *And be it further enacted*, That said company, for the trouble and expenditures they may incur by carrying this act into effect, shall be allowed four per cent out of all monies by them collected, and appropriated agreeably to the tenor of this act.

VI. *And be it further enacted*, That this act shall be in force from and after the passing thereof.

#### CHAP. XCII.

An Act to facilitate the navigation of Old Town Creek in the county of Brunswick.

*BE it enacted by the General Assembly of the State of North-Carolina and it is hereby enacted by the authority of the same*, That Frances Alston, William Wingate, John Evans, Sen. William J. Grisset, John J. Gause, Maurice Moore, Robert Potter, Thomas Leonard and John C. Baker, be, and they are hereby appointed Commissioners, with power and authority to enter into such rules and regulations, and adopt such measures as a majority of them may deem most expedient for the purpose of completing the navigation of Old Town Creek, in the county of Brunswick, from its junction with Cape Fear River, to John Hogg's mills. And when any canals may be necessary for facilitating the said navigation, and the same shall pass through the lands of any person or persons under the age of twenty-one years, or where the title is disputed, or where the owner refuses to sell so much land as may be necessary, it shall and may be lawful for the said Commissioners or a majority of them, to exhibit their petition to the County Court of Brunswick, stating the owner or claimant of said lands, and the quantity required for the said canal, whereupon the Court shall order the Surveyor of said county, with six disinterested freeholders by them appointed, to view, lay off and value upon oath, as much of the said land as shall be sufficient for the passage of the said canal; that is to say, they shall estimate the value of a section or small strip of said land of the breadth of forty feet, and of the necessary length; and they shall consider what damage the tract of land in question may sustain by cutting the canal through it in the manner proposed, and shall determine what sum of money the owner or owners of the soil ought to receive from the Commissioners aforesaid, which shall be returned under their hands and seals; *Provided nevertheless*, That the said owner or owners, or guardians, shall have such reasonable notice of such petition and order as the Court shall deem necessary, to attend at such survey and valuation: *And provided also*, That the said canal shall not interfere with or take any houses, orchards or other improvements, and the petitioner shall pay down in Court for the said land the full valuation money, and procure a record to be made thereof, which shall be a good and effectual seizin in law to create to the said Commissioners a fee simple in said lands, for the use and purpose aforesaid; and the monies when paid into Court shall be received by the Clerk, and paid to the owner or owners, or guardian as the case may be.

II. *And be it further enacted*, That Francis Alston, William Wingate, Maurice Moore, John J. Gause, John C. Baker, Robert Potter, Thomas Leonard and William J. Grisset, be and they are hereby authorised for the purpose of carrying this act into effect, to raise a sum of money not exceeding two thousand dollars, by one or more lottery or lotteries, by such scheme or schemes as a majority of them may think proper to devise; and the said commissioners shall, before they sell or cause to be sold any tickets by virtue of the authority hereby granted, give bond with two sufficient freeholders security, payable to the Governor for the time being and his successors, which bond shall be conditioned, that the said commissioners shall well and truly perform the trust reposed in them, that the said lottery shall be conducted fairly and according to the scheme or schemes, which they or a majority of them may adopt, to pay to every fortunate adventurer in said lottery or lotteries, the prize which he, she or they shall draw therein: subject however to such reduction or restriction as they may make known in their scheme or schemes, and also that the money arising from such lottery or lotteries shall be solely and exclusively appropriated for the purpose of completing the navigation aforesaid, agreeably to the direction of a majority of the said Commissioners.

III. *And be it further enacted*, That the said bond shall be filed with the Clerk of the Superior Court of Brunswick county, who shall keep the same in his office, and any person thereby aggrieved may, without assignment, bring suit on said bond in the name of the Governor, and recover damage accordingly.

VII. *And be it further enacted*, That when the said navigation is completed, the said Commissioners shall render a correct statement of the money expended to the County Court aforesaid, and the Clerk shall file the same in his office as a part of the records of said Court.

#### CHAP. XCIII.

An Act for the encouragement of Steam Boats on the waters of this State.

WHEREAS it hath been represented to this General Assembly, that John Stevens of Hoboken in the State of New-Jersey and his associates, have in contemplation to establish a line of Steam Boat navigation extending from the waters of the Chesapeake, through the waters of this State to the city of Charleston, in the State of South-Carolina, and also on such other waters and rivers thereof as may be found practicable; to effect which useful purposes, a large expenditure of capital would be required as well in the construction of the necessary vessels and adequate machinery as in the formation of canals and removal of obstructions; now therefore, that the said John Stevens and his associates may be duly encouraged to carry into effect, purposes so highly beneficial to the public in general, and to the citizens of this State in particular,

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the said John Stevens and his associates, and their legal representatives, shall, and they are hereby vested with the sole and exclusive right and privilege of constructing, making, using, employing and navigating all and every species or kinds of boats or vessels propelled through the water by the force of Steam in all the creeks, rivers, bays and waters whatever, within the territory and jurisdiction of this State, for, and during the full end and term of twenty years from and after the present session of this General Assembly; *Provided nevertheless*, That should the said John Stevens and his associates not have a Steam Boat in operation on any of the waters of this State within two years from and after the passing of this act, or at any time after the expiration of five years, shall omit for the space of one year, to have two Steam Boats in operation on any of the waters of this State, the exclusive privileges herein granted, shall cease and determine.

II. *And be it further enacted*, That no person or persons, without the license of the persons entitled to an exclusive right to navigate the waters of this State with boats or vessels moved by Steam, or those holding a major part of the interests in such privilege, shall set in motion or navigate upon the waters of this State or within the jurisdiction thereof, any boat or vessel moved by Steam; and the said person or persons so navigating with boats or vessels moved by Steam in contravention of the exclusive right of the said John Stevens and his associates, or legal representatives, shall forfeit such boat or boats and vessels together with the engine, tackle and apparel thereof, to the said John Stevens and his associates.

III. *And be it further enacted*, That the penalties and forfeitures so incurred with costs of suit, may be sued for and recovered within any Court of Record of this State having cognizance thereof, and shall be deemed to accrue on the day on which any boat or boats moved by Steam, not navigating under the license of said Stevens, his asso-



1812

ciates or assigns shall navigate any of the waters of this State or those within its jurisdiction in contravention of this act; and that the said John Stevens, his associates and assigns, shall, and may be entitled to the same remedy both in law and equity, for the recovery of the said boat and engine or boats and engines, tackle and apparel, as if the same had been tortiously and wrongfully taken out of their possession.

III. *And be it further enacted*, That when the plaintiffs shall elect to sue out an injunction, the Court granting the same shall impose upon them such rules as may appear just and proper to prevent unnecessary delays in bringing such suit to issue and trial.

IV. *And be it further enacted*, That when any writ, suit or action is brought for the recovery of such forfeitures, the defendant or defendants to such writ, suit or action, the captain, mariners and others employed in so navigating in contravention of this act, shall be prohibited by writ of injunction from navigating with or employing the said boat or boats, engine or engines or from removing the same, or any part thereof, out of the jurisdiction of the Court, or to any other place than that which shall be directed for their safe keeping by the Court during the pendency of such suit or suits, action or actions, or after judgment shall be obtained, if such judgment shall be against the defendants or the matter or thing forfeited.

V. *And be it further enacted*, That whenever the said John Stevens and his associates or their legal representatives shall establish more than two Steam Boats or vessels on the waters of this State, they shall, for each and every of such additional boat or vessel, be entitled to five years prolongation of their grant or contract within this State: *Provided nevertheless*, That the whole term of their exclusive privileges shall not exceed thirty years after the passing of this act.

VII. *And be it further enacted*, That if any persons shall combine for the purpose of injuring or destroying any boat, sloop or other vessel navigating the waters of this State, or if any person shall wilfully destroy or injure such boat, sloop or other vessel, or attempt to put in danger the lives of the passengers or people navigating such boat, sloop or other vessel; the persons so combining or the person so injuring such boat, sloop or other vessel, or attempting to put in danger the lives of persons navigating the same shall respectively be considered guilty of a misdemeanor, and on conviction shall be fined in a sum not exceeding one thousand dollars, or imprisoned for a time not exceeding twelve months, or both in discretion of the Court before whom such conviction takes place.

VIII. *And be it further enacted*, That if at any time after the expiration of two years from the passage of this act any of the waters of this State deemed capable of improvement by the use of boats moved by the force of steam shall remain unoccupied by any boat or vessel established by the said John Stevens or by persons associated with him, or by such number of boats and vessels as shall be sufficient conveniently to answer the purposes of freight of produce and merchandize and carriage of persons on the said waters, it is hereby declared to be a condition upon which the exclusive privilege granted by this act shall be received and held; That any individual or number of individuals forming themselves into a company for the purpose, shall be at liberty in advancing or securing to be advanced the capital sum necessary to put in motion and use any such Steam Boat or Boats to cause such Boat or Boats to be put in operation and use upon any of the waters of the state, not previously occupied by the said John Stevens and those associated with him in the manner above described. And it is hereby declared to be a further condition upon which the exclusive privilege aforesaid shall be received and held, that the said John Stevens shall aid the establishments provided for in this section by instructing the individual or individuals forming a company for the purpose, as to the size, dimension and construction of the boat or boats by him or them proposed to be put in use and operation, and as to the machinery necessary for moving the same by the force of steam; and the said John Stevens shall be entitled to share in the profits of such establishments in such proportion and manner as is provided for in a certain written instrument under the hand and seal of the said John Stevens, filed in the office of the Secretary of State of this State.

IX. *And be it further enacted*, That it shall be lawful for any person or persons injured or conceiving him or themselves injured by the failure of the said John Stevens to comply with the terms of the said writing filed in the office of Secretary of State, to bring an action or actions of covenant or other proper action in his or their own name or names for the damages which he or they may sustain, by such failure and any recovery which may thus be obtained shall be to the use of the person or persons in whose name or names the suit or suits may be brought and the recovery had as aforesaid.

#### CHAP. XCIV.

An Act to empower the County Courts of Randolph, Wayne, and Montgomery to lay an additional tax to defray the expences of the poor of said Counties.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the County Courts of Randolph, Montgomery and Wayne are hereby authorized and empowered to lay an additional tax not exceeding four pence on every hundred acres of land, one shilling on every poll, and one shilling on every hundred pounds value of town property in said Counties; to be collected and applied as other taxes for the poor of said counties.

#### CHAP. XCV.

An Act to authorize the Court of Pleas and Quarter Sessions for the county of Wake to lay an additional tax for defraying the expences of the Poor and for other purposes.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the Justices of the Court of Pleas and Quarter Sessions for the county of Wake, shall have power to lay an additional tax of one shilling on each poll, four pence on every hundred acres of land, and one shilling on every hundred pounds value of town property, within their County, for the purpose of defraying the expences of the Poor of said County.

II. *And be it further enacted*, That the said Justices are hereby authorized, if they shall deem it most expedient, to build a house for the reception of the Poor of said County, and to apply so much of the taxes levied for the support of the Poor as may be necessary for that purpose.

#### CHAP. XCVI.

An Act to authorize the Court of Pleas and Quarter Sessions of Duplin to lay an additional tax for the support of the Poor, and other contingent charges of said County, and for other purposes.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the Court of Pleas and Quarter Sessions of Duplin be and they are hereby authorized and empowered (whenever they may deem it expedient) to lay an additional tax not exceeding four shillings on the poll, and four shillings on every three hundred acres of land, for the purpose of defraying the expences of the Poor and other contingent charges of said County; and the same shall be levied, collected and accounted for in the same manner and under the same rules and regulations as are already prescribed by law for the collection of taxes in like cases.

II. *And be it further enacted*, That all tales jurors who may hereafter serve in the County or Superior Court of the County of Duplin, shall be allowed the sum of five shillings for each and every day they may serve as such; and the fines arising from the non-attendance of Jurors shall be applied to defray the expences of the tales jurors: *Provided*, the same is found sufficient; and if not they shall be considered in the same manner as other county claims, and discharged accordingly, after applying the amount of the fines aforesaid in the manner above specified.



## CHAP. XCVII.

An Act to revive and continue in force an act passed in the year one thousand eight hundred and nine, authorising the County Court of Pasquotank, to lay a tax for the purpose of building a Prison and Stocks and completing the Court-House in said county.

WHEREAS it has been represented to the County Court of Pasquotank by the commissioners of public buildings of the aforesaid county that the act passed in the year one thousand eight hundred and nine expired with the collection of one thousand eight hundred and ten, and that a sufficient sum has not yet been collected for the completing of the same :

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the above recited act be, and the same is hereby revived and continued in force until the year one thousand eight hundred and seventeen, if deemed necessary by the County Court aforesaid.

## CHAP. XCVIII.

An Act to authorise the County Court of Buncombe, to lay a tax for the purpose of repairing their present Jail or of building a new one.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the Justices of the County Court of Buncombe, whenever they may deem it necessary after the passing of this act, a majority thereof being present, may for such length of time as they may think proper for effecting the purposes hereinafter mentioned, lay a tax of one shilling on every poll, one shilling on every hundred pounds value of town property, and four-pence on every hundred acres of land for each and every year they may continue the same, to effect the purpose aforesaid. Which tax shall be collected and accounted for in the same manner, at the same time and by the same persons that collect the public tax ; and be paid into the hands of the treasurer of public buildings in said county, for the purpose of defraying the expence of building a new jail in said county, or of repairing the present one.

II. *And be it further enacted,* That Colonel John Patton, Maj. Samuel Chunn, William D. Smith, Joseph Boyler and Thomas Foster, Esquires, be, and they are hereby appointed commissioners to contract with such person or persons as they may think proper to repair the present jail of the county of Buncombe, or to build a new one according to such plan as they may deem advisable ; the cost whereof shall be defrayed by the proceeds of the taxes which may be collected by virtue of the first section of this act.

## CHAP. XCIX.

An Act authorizing the justices of the County Court of Rutherford to lay a county tax for the purpose of building a public jail within the said county, and for other purposes.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That at the first Court of Pleas and Quarter Sessions which may be held for the county of Rutherford after the first day of January next it shall be the duty of the said Court, a majority of the said Justices of the said county being present, to lay a tax for the purpose of building a strong, sufficient and durable Jail for said county, which tax shall be laid and collected of such property and other subjects within said county as are or shall be subject to a public tax, not exceeding in any one year the amount of the public tax which shall be due from said county to the Public Treasurer of this state ; *Provided always,* That this tax shall not affect stud horses or licenses of any kind ; which county tax shall be levied and collected in the same manner, and under the same rules, regulations and restrictions that public taxes are or shall be levied and collected in said county.

II. *And be it further enacted,* That such tax when collected shall be subject to the appropriation and controul of such commissioners as shall be hereafter mentioned, or a majority of them for the purposes aforesaid and no other ; which commissioners are as follows, viz : John Moore, merch't. John C. Ellicot, George Walton, Samuel Moore and Samuel Lowry.

III. *And be it further enacted,* That the said Commissioners, or a majority of them, shall be enabled, and are hereby authorized to demand and receive the aforesaid money for the purposes aforesaid ; and they or a majority of them are enabled hereby to make any legal contract or contracts in their own names or the names of a majority of them for the purpose of carrying this act into effect, and they or a majority of them may sue and maintain any suit or action necessary to be brought on any such contract or contracts by them entered into as aforesaid, in the name or names of such commissioners as may be mentioned in said contract or contracts ; or in the name of the survivor or survivors ; and such commissioners, or the survivor or survivors thereof shall be liable to be sued for any violation of contract on their part.

IV. *And be it further enacted,* That the Commissioners aforesaid shall have full power and authority to sell at public sale so much of the public square on the west side, within the town of Rutherfordton contiguous to the old Jail including the same, as will form a lot of forty feet in width, leaving a square of twenty feet at Noah Hampton's gate, immediately before the door of the old jail, and to extend to the main cross street leading from east to west of said town.

V. *And be it further enacted,* That in future the County Court of Rutherford shall have power (a majority of the Justices being present) to designate the places in said county where personal property (Negroes excepted) shall be sold, taken by virtue of executions at the instance of individuals : Any law to the contrary notwithstanding.

## CHAP. C.

An Act to authorise and empower the Trustees of the Hertford Academy to raise by Lottery one thousand pounds.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the Trustees of the Hertford Academy, be, and they are hereby authorised and empowered to raise by Lottery, the sum of one thousand pounds, for the purpose of improving said Academy.

## CHAP. CI.

An Act to amend an act passed in the year one thousand eight hundred and ten, entitled " An Act to establish an Academy at Waynesborough, and for other purposes."

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the Trustees appointed by an act of Assembly passed in the year one thousand eight hundred and ten, entitled " An Act to establish an Academy at Waynesborough and for other purposes," to contract for the building of an Academy either in the town of Waynesborough, or within two miles thereof, at such places as to them or a majority of them shall seem most adviseable.

## CHAP. CII.

An Act to establish an Academy in the county of Cabarrus.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the Reverend John M. Wilson, William Morrison, junior, William Gillems, John Morrison, James Morrison, Archibald McClerty, Enoch Morgan and Charles Taylor Alexander, be, and they are hereby ordained and constituted a body corporate, to be known by the name of Trustees of the Rocky River Academy, and by that name shall have perpetual succession ; and they or their successors or a majority of them by the name a-



1812 *fore*said, shall be able and capable in law, to sue and be sued, plead and be impleaded in any of the Courts of Record within this state; and shall take, demand, and receive any property real or personal, and any monies or other things which shall be given for the use of the said Academy, and the same to apply according to the will of the donor, and by gift, purchase, or devise, to take, have and possess, receive, enjoy and retain, to them and their successors forever, any lands, rents, or tenements of what nature or kind soever in special confidence, that the same or the profits thereof be applied to and for the purpose of establishing and endowing the said Academy.

II. *And be it further enacted*, That the said Trustees or a majority of them, shall have authority to make such Bye Laws and Regulations as are usual in such seminaries, and to appoint other Trustees who shall have the same power and authority as are granted to the Trustees appointed by this act.

#### CHAP. CIII.

An Act for the better regulation of the Newbern Academy.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That at the time and place by law appointed for the election of Commissioners of the town of Newbern, the officer who shall hold the poll for the election of Commissioners, shall also open a poll for the election of twelve Trustees of the Newbern Academy; the free men inhabitants of said town, possessed of a freehold therein, or masters of families, and such other freemen inhabitants thereof not being free holders nor masters of families, but who within one year immediately preceding the said election, shall have made a donation to the said Academy of the value of five dollars, or within four years immediately preceding, of twenty dollars, shall be entitled to vote for Trustees of said Academy.

II. *And be it further enacted by the authority aforesaid*, That the said Trustees at their meeting in consequence of the said election, shall be divided into three classes. The seats of the Trustees of the first class, shall be vacated at the expiration of the first year; of the second at the expiration of the second year, and of the third class at the expiration of the third year, so that one third may be chosen every year. If a vacancy shall happen by resignation or otherwise, the remaining Trustees may make temporary appointments until the ensuing annual election.

III. *And be it further enacted*, That at the time and place by law appointed for the election of Commissioners of the town of Newbern annually hereafter, the officer holding the said poll for Commissioners of said town, shall hold a poll in the same manner for four Trustees of the Newbern Academy, to fill the seats vacated as herein directed, and of those which may be vacated by resignation or otherwise.

IV. *And be it further enacted*, That the Treasurer of said Academy shall annually on the day of election aforesaid, put up at the said place of election an account of the property, funds and debts of the said Academy, and the receipts and expenditures thereof during the year immediately preceding.

V. *And be it further enacted*, That in all things not herein otherwise directed, the Trustees of the Newbern Academy, and their officers shall exercise and enjoy the same rights, powers and authority, and shall have the same estate and interest, and be subject to the same duties and penalties as the trustees of said Academy and their officers appointed previous to the passing of this act.

#### CHAP. CIV.

An Act to establish an Academy in the town of Snow-Hill, in the county of Greene.

WHEREAS establishing Seminaries of Learning for the purpose of educating youth, is essential to the happiness and prosperity of the community, and therefore worthy of legislative aid.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That James Williams, Thomas Holliday, Moses Westbrook, Senr. Farmer Moseley, Benjamin Evans, Henry J. G. Ruffin, James G. Shepherd, William V. Speight, Abraham Darden, Charles Carr, Samuel Vines, Jacob Lassiter, Alexander Kilpatrick and William Holliday, shall be, and they are hereby declared to be a body politic and corporate, to be known and distinguished by the name of the Trustees of the Snow-Hill Academy, by that name shall have perpetual succession, and by the name aforesaid, they or a majority of them, shall be able and capable in law to take, demand, receive and possess all monies, goods and chattels that shall be given for the use of the said Academy, and the same apply according to the will of the donor, and by gift, purchase or devise, to take, have, receive possess, enjoy and retain to them and their successors forever, any lands, rents or tenements of what kind or nature soever in special trust and confidence, that the same or the profits thereof, be applied to and for the purpose of establishing and endowing said Academy; and shall be capable of pleading and being impleaded, for any monies which may be given or subscribed for the use of this Institution.

II. *And be it further enacted*, That the said Trustees or a majority of them, shall have power to appoint such professors and tutors as to them shall appear necessary, also a Treasurer and Secretary, upon such conditions and with such restrictions as they may think proper; and the said Trustees or a majority of them, shall have power to make all such laws and regulations for the government of the said Academy, and for the preservation of order and good morals therein, as they may deem necessary.

III. *And be it further enacted*, That upon the death, or removal, inability or refusal to act, or resignation of any of the said Trustees, it shall be lawful for the remaining Trustees, or a majority of them, to elect other Trustees in the room of such as die, resign, remove or refuse to act, and the Trustee or Trustees so elected, shall have equal powers, authority and capacity, with the Trustees hereby appointed; any law, usage or custom to the contrary notwithstanding.

#### CHAP. CV.

An Act to establish a Seminary of Learning in Robeson county, by the name of Philadelphus Academy.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That Hugh Brown, Angus Black, Archibald M'Dougal, William Brown, Neill Bowie and Malcom Brown, be, and they are hereby declared to be a body politic and corporate, to be known and distinguished by the name of "The Trustees of Philadelphus Academy," and by that name to have perpetual succession; and they or their successors, by the name aforesaid, or a majority of them, shall be able and capable in law to make, demand, receive and possess all monies, goods and chattels, that shall, or may be given for the use of the said Institution, and the same to apply according to the directions of the donor; and by gift, purchase or devise, to take, possess and enjoy to them and their successors forever, any lands, tenements or hereditaments in trust, that the same, or the profits thereof, be applied to and for the purpose of establishing and endowing the said Academy.

II. *And be it further enacted*, That the said Trustees, or a majority of them, shall be able and capable in law to grant, bargain and sell any such lands, tenements or hereditaments as aforesaid, when such conveyance is not inconsistent with the terms of the donation; and further, that the said Trustees, their successors or a majority of them, shall be able and capable in law, by the name aforesaid, to sue and be sued, plead and be impleaded, answer and be answered in any Court of law or Court of Equity in this state.

III. *And be it further enacted*, That the said Trustees or a majority of them shall have, and are hereby declared to have full power to make and ordain such laws, and regulations for their own government, and for the regulation and government of said Academy, as to them may appear necessary; and shall be able and capable to do all things whatever for the promotion of said Seminary, in as full and ample a manner as any body politic or corporate can or may do by law.



IV. *And be it further enacted*, That upon the death or resignation, inability or refusing to act of any of the Trustees aforesaid, it shall be lawful for the remaining Trustees, or a majority of them, to elect others to supply their place, who shall have equal power and authority with the Trustees hereby appointed.

## CHAP. CVI.

An Act to authorise the several persons therein named to collect the arrearages of Taxes due them as late Sheriffs of their respective counties.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That Robert Davis, late Sheriff of the county of Montgomery, for the years 1807 and 1808; the administrators of Henry Smithwick, late sheriff of the county of Martin, for the years 1808, 1809 and 1810; Gabriel Bailey, late sheriff of Pasquotank county, for the years 1808, 1809 and 1810; Alfred Rowland, late sheriff of Robeson county, for the years 1809 and 1810; John Longmire, late sheriff of Buncombe county, for the years 1809 and 1810; Hodge Raybourne, late sheriff of the county of Burke, for the years 1807, 1808 and 1809; George Cloud, late sheriff of the county of Stokes, for the years 1807, 1808 and 1809; Joshua Williamson, late sheriff of Columbus, for the years 1810 and 1811; Samuel Turrentine and David Ray, late sheriffs of Orange county, for the years 1807, 1808 and 1809; David Ricks, late sheriff of Nash county, for the years 1808, 1809, 1810 and 1811; John Allen, late sheriff of Lincoln county, for the years 1808, 1809 and 1810; Sterling Boykin, late sheriff of Northampton county, for the years 1807, 1808 and 1809; James Dunning, late sheriff of Guilford county, for the years 1808, 1809 and 1810; and James Hoskins, late sheriff of Tyrrel county, for the years 1808, 1809 and 1810, be, and they are hereby authorised and empowered, to collect the arrearages of taxes due them in their respective counties for the years above stated, which collection shall take place under the same rules, regulations and restrictions as are already prescribed for the collection of public taxes: *Provided nevertheless*, That the authority hereby granted shall not extend to the collection of taxes from executors and administrators of the estates of deceased persons, from those who have removed from the respective counties, or from those who shall make oath that he, she or they have paid the same; *And provided also*, That this act shall continue in force for twelve months from the ratification thereof, and no longer.

## CHAP. CVII.

An Act to authorise John Peebles and James C. Harrison, former Deputy Sheriffs of John Pipkin, deceased, late Sheriff of Northampton county, to collect the arrearages of taxes due for the years one thousand eight hundred and ten and one thousand eight hundred and eleven.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That from and after the passing of this act it shall and may be lawful for the said John Peebles and James C. Harrison, Deputies aforesaid, to collect the arrearages of taxes due the said John Pipkin, deceased, late Sheriff of the county of Northampton aforesaid, for the years one thousand eight hundred and ten, and one thousand eight hundred and eleven, and grant discharges for the same in their own names as Deputies as aforesaid; Any law, usage or custom to the contrary notwithstanding.

## CHAP. CVIII.

An Act to authorise the administrators of John G. Scull, late sheriff of the county of Brunswick, deceased, and the executors of William Nutt, late sheriff of New-Hanover county, to collect the arrears of taxes due in said counties for the years one thousand eight hundred nine and one thousand eight hundred and ten.

*BE it enacted by the General Assembly of North-Carolina, and it is hereby enacted by the authority of the same*, That the administrators of the estate of John G. Scull, late sheriff of the county of Brunswick; and the executors of William Nutt, late sheriff of New-Hanover county, be, and they are hereby authorised and empowered to collect the arrears of taxes due in said counties for the years one thousand eight hundred and nine, and one thousand eight hundred and ten; which collection shall take place under the same rules, regulations and restrictions as are already prescribed by law in such cases; *Provided*, The authority hereby granted shall not extend to the collection of taxes from those who have removed out of the county or from the executors or administrators of the estate of deceased persons, or from those who will voluntarily make oath that he or she has paid the same; and this act shall continue in force twelve months and no longer.

## CHAP. CIX.

An Act to authorise Jacob Lassiter, late Sheriff of the county of Greene, to collect the arrears of taxes due him in said county.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That Jacob Lassiter, late Sheriff of the county of Greene, be, and he is hereby authorised and empowered to collect the arrears of taxes due him in said county for the years one thousand eight hundred and eight, and one thousand eight hundred and nine, which collection shall take place under the same rules and regulations as are already prescribed in the collection of public taxes; *Provided*, That the authority hereby granted shall not extend to the collection of taxes from Executors or Administrators of the estate of deceased persons, from those who have removed from the county, or from those who will voluntarily make oath that he or she has paid the same.

## CHAP. CX.

An Act to establish and lay off a Town on the lands of Jesse Nixon in the county of Randolph.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That Thomas Jackson, Archibald Gaddis, Jacob Fauts, Whitlock Arnold and Thomas Ray, be, and they are hereby appointed Commissioners to lay off a town on the lands of Jesse Nixon in Randolph county, to be called and known by the name of Columbus, and that the aforesaid Commissioners, or a majority of them shall be, and they are hereby authorised to lay off the said town into acre or half acre lots, with convenient streets or alleys, as to them shall appear most advisable; and the said lots when so laid off, shall be for the sole benefit and free disposal of the said Jesse Nixon.

## CHAP. CXI.

An Act to empower the Commissioners of the town of Beaufort in the county of Carteret to lay off the commons of said town into lots and streets.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That it shall and may be lawful for the Commissioners of the town of Beaufort in the county of Carteret, and they are hereby required to lay off the commons of said town into lots of an half an acre each, intersected by streets at the proper distances, running parallel to the streets by which the town is now intersected; a plan of which streets and lots so laid off shall, by the said Commissioners, be returned into the office of the Clerk of the Court of Pleas and Quarter Sessions of said county; and the said lots when laid off, shall remain a part of the town of Beaufort, and be subject to the rules and regulations which are, or may be established for the government thereof.



1812

## CHAP. CXII.

An Act to empower the Commissioners of the town of Greensborough, in the county of Guilford, to lay a tax for the purposes therein mentioned.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the Commissioners of the town of Greensborough, in the county of Guilford, be, and they are hereby authorised, to lay a tax on the town property not exceeding five shillings, on every hundred dollars value of lots in said town annually, and the money arising therefrom, when collected, shall be applied to the repairing of the streets, and keeping in good order, the public wells in said town, in such manner as a majority of the said Commissioners may think the most advisable, and conducive to the prosperity of said town.

## CHAP. CXIII.

An Act to appoint Commissioners for the regulation of the town of Faganville, in Moore county.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That John M'Iver, Murdock Bethune, and John Martin, be, and they are hereby appointed Commissioners of the town of Faganville, in the county of Moore, and they are hereby vested with full power and authority to enter into such rules and adopt such measures as they or a majority of them may deem expedient for the good regulation and government of said town.

## CHAP. CXIV.

An Act declaring certain water skirts fronting the town of Smithville in the county of Brunswick, permanent property.

WHEREAS, by an act of the General Assembly passed in the year one thousand seven hundred and ninety-two, authorising the Commissioners of said town to hire out the skirts of beach and water fronting the town for the use of said town, they did lease out to certain persons for a limited time, sundry lots of beach and water opposite the town, between Bay-street and the Channel of Cape-Fear river, also a number between Bay-street continued and the channel of said river; and whereas, at first divers persons who held leases for such skirts of beach and water were but indifferent as to their respective value and use, further than for the convenience of so many private landing places, but of late, since the town has been considerably improved with houses, and peopled by a respectable number of inhabitants, the value of such leased skirts of beach and water have arisen in value and estimation, inasmuch as several wharves have been began and temporary ware-houses erected on some of them, and it appearing, that it would be of great utility and reciprocal advantage to the proprietors of the Port and to the State, to make the aforesaid leased skirts permanent property to those who legally hold leases for the same:

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the skirts of beach and water or entire margin immediately opposite and fronting said town of Smithville, and all those between Bay-street continued and the channel of Cape-Fear river, which are legally held by lease from the Commissioners of said town; and all such persons as may hereafter be legally entitled to and receive leases from such front skirts from the Commissioners aforesaid, shall be established as a permanent addition to the town of Smithville; and that the proprietors of such leases of beach and water, may be hereafter vested and confirmed in the same, as in other lots of said town, with permanent and lawful right of inheritance, and that the Commissioners of Smithville, shall at all times have the same power relative to said margin and beach of water, whether improved by individuals or otherwise, as by law they are, or may be vested with authority over other lots in said town.

II. *And be it further enacted,* That all the other leased lots adjoining said town are, and they are hereby declared to be absolute property to the leasee of the same, and to be considered as a part of the town, and held by the said leasees in fee simple; *Provided nevertheless,* That nothing herein contained, shall extend to the exemption of any of said leasees from the payment of the monies at present due, or that may hereafter become due from time to time to the town, the county and the state; any law to the contrary notwithstanding.

## CHAP. CXV.

An Act to authorise the Commissioners of the town of Beaufort, in the County of Carteret, to lay a tax on all taxable property within the said town, for the purpose of building a Market House and other purposes.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the Commissioners of the town of Beaufort, in the county of Carteret, be, and they are hereby authorised to lay a tax on all taxable property within the said town, for the purpose of raising a sufficient sum of money to defray the expences of building a Market House in said town, which house shall be erected in or near the Court-house square, and when so erected, no person shall sell any kind of provisions within the limits of the said town except at the Market House aforesaid, and the said Commissioners or a majority of them, are hereby authorised and directed to adopt such measures as may appear to them the most expedient for the purpose of carrying this act into effect.

II. *And be it further enacted,* That all acts, and clauses of acts, that come within the purview and meaning of this act, be, and the same is hereby repealed and made void.

## CHAP. CXVI.

An Act to regulate the town of Nixonton in Pasquotank county, and for other purposes therein mentioned, and to amend an act passed in the year one thousand eight hundred and one.

WHEREAS it appears that all the Commissioners are dead or removed out of said town.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That William Spaw, Doctor Samuel Matthews and Gabriel Bailey, be, and they are hereby appointed Commissioners of the said town.

II. *And be it further enacted,* That the said Commissioners have full power and authority to sell on a credit of six months, all the public lots in said town, and as much of the town commons as they may think proper under the following rules and restrictions, to wit: the County Court of Pasquotank, shall have full power and authority to appoint two good and discreet Freeholders and one Justice of the Peace of the said county, to value the said lots and commons on oath, by the lot or acre on the day of sale, and unless there shall be bid three fourths the amount of the valuation or more, it shall not be deemed a sale; but upon there being bid three fourths the amount of the valuation or more, it shall be a lawful sale, and the Commissioners are hereby authorised and empowered to make a *bona fide* title to the purchaser on his giving bond with two good and sufficient securities, payable to the Chairman of the County Court for the time being; and that the said bond or bonds so given be lodged with the County Treasurer by the Sheriff, and the money so raised be applied to the use of the county.

III. *And be it further enacted,* That the said Commissioners advertise the above rected lots and town commons at least twenty days previous to the day of sale in four of the most public places of the said county, and one at the court house door of said county.

IV. *And be it further enacted,* That the said Commissioners and Valuers be allowed six per cent for their trouble, to be paid out of the purchase money of said lots and town commons, by the County Treasurer.



V. *And be it further enacted*, That the above said bonds may be put in suit and recovered as other bonds of the same nature usually are ; Any law usage or custom the contrary notwithstanding. 1812

## CHAP. CXVIII.

An Act for the better regulation of the town of Murfreesborough in the county of Hertford, and to enlarge the same.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the Freemen of the town of Murfreesborough in Hertford county, be empowered under the direction of any one Justice of the Peace of said town, on the first Friday in January of each and every year, to elect three Commissioners residents of said town, who shall hold their office during one year and shall have power to make all such rules and regulations for the good government of the inhabitants of said town as they may deem necessary ; which, when made, shall be binding to all intents and purposes, as if specified in this act ; *Provided nevertheless*, That no such rules and regulations shall be repugnant to the constitution or laws of this state.

II. *Be it further enacted*, That the said town of Murfreesborough shall be extended by the laying off sixteen additional lots, under the direction of said Commissioners ; which lots shall, in all respects, be considered as constituting a part thereof.

III. *Be it further enacted*, That the Commissioners of said town shall have full power and authority to lay such tax on said town either on poll or on the property thereof, or both if necessary, as shall be sufficient to carry into effect the rules and regulations which they may make, and all who refuse to pay the same may be constrained thereto in the same manner by the collectors to be appointed by the Commissioners as other persons are compelled to pay the public revenue of this State by the collectors thereof.

IV. *Be it further enacted*, That this act shall be in force from and after the ratification thereof.

## CHAP. CXIX.

An Act to authorise the Commissioners of the town of Salisbury to raise a sum of money by one or more lotteries, for the purposes therein mentioned.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the Commissioners for the time being of the town of Salisbury, be, and they are hereby authorised and empowered to raise by way of one or more lotteries, such sum or sums as they may deem sufficient, not exceeding five thousand dollars, for the purpose of erecting an Academy and Church or either of those buildings in said town.

II. *And be it further enacted*, That the said Commissioners or a majority of them, before they enter upon the exercise of the authority granted them by this act, shall enter into bond with sufficient security, in such sum as shall be prescribed by the County Court of Rowan, and payable to the Chairman thereof, and his successors in office, conditioned for the faithful discharge of their duties, as managers of such lottery or lotteries, and for the payment of the prizes to the fortunate adventurers therein, according to the terms set forth in such scheme or schemes as shall by them be adopted, and that the said Commissioners will (in a convenient time after the drawing of said lottery or lotteries shall be completed) appropriate the proceeds thereof to the building of a Church and an Academy in the town of Salisbury, or if the profits shall not be deemed sufficient for both those purposes, then, that they will apply the same to the building of that one of the two which may, by a majority of the Commissioners, be deemed most beneficial and best suited to their means, which bond may be put in suit without assignment by such person or persons as may be injured by the refusal of said Commissioners to pay such prizes as may be drawn in said lottery or lotteries, according to the terms set forth in such scheme or schemes as they may adopt and publish.

## CHAP. CXX.

An Act to amend an act passed at the last session of Assembly, entitled "An act to amend an act passed in the year one thousand seven hundred and eighty-six, for establishing a town in Wayne county by the name of Waynesborough.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That John M'Kinnic, James Bradbury and Sumpson Lane, be, and they are hereby appointed Commissioners of the said town of Waynesborough in addition to those appointed by the above recited act, who shall have, possess and enjoy in common with the Commissioners already appointed, every privilege, right and authority, given by the aforesaid act or by any other law.

II. *And be it further enacted*, That the Commissioners of the said town of Waynesborough, authorised by the act of the last session, to sell and convey such part of the town commons in Waynesborough as they or a majority of them may deem convenient, shall not sell or convey any buildings, which may have been erected thereon by individuals with the consent of former Commissioners of said town, unless the person or persons, claiming to own the said buildings, shall refuse to remove the same, within thirty days after being required thereunto by the said Commissioners.

## CHAP. CXXI.

An Act directing by whom and in what manner the Vestry of James's Parish in the town of Wilmington shall hereafter be chosen and to authorise them to raise by Lottery a sum of money to repair the Church

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That from and after the passing of this act the Vestry of St James's Parish shall on the fourth Monday in January annually, be chosen by ballot by those who may have subscribed for the support of said Church.

II. *And be it further enacted*, That the Vestry of St. James's Parish shall be, and they are hereby vested with full power and authority to raise a sum of money not exceeding three thousand dollars by a lottery or lotteries by such scheme or schemes as they shall think proper

III. *And be it further enacted*, That the said Vestry shall have, and they are hereby declared to have full power and authority to appoint from time to time Commissioners to manage such lottery or lotteries as may be established ; and to make such rules and regulations respecting the same as they may deem necessary and proper.

IV. *And be it further enacted*, That all acts and clauses of acts within the meaning of this act, be, and the same are hereby repealed and made void.

## CHAP. CXXII.

An Act to establish the names of Daniel and Sarah Coble of Randolph County.

*WHEREAS* by an act of the last General Assembly of this State it was intended that the names of Daniel Morris and Sarah Morris should be altered to that of Daniel Coble and Sarah Coble, but through a mistake committed in engraving the bill, the names of said Sarah and Daniel was not altered as intended,

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That after the passing of this act, the said Daniel and Sarah shall be known by the names of Daniel Coble and Sarah Coble, and by such name shall and may do every act in the same manner as if they had borne them from their infancy.

## CHAP. CXXIII.

An Act to authorise the County Court of Camden to lay an additional tax to defray the expence of Patrollers in said County.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That a majority of the Justices of Peace for the county of Camden, be and they are hereby au-



1812

thorised to lay an additional tax not exceeding ten shillings on each taxable slave in said county, which tax shall be collected in the same manner as all public taxes in said county are by law directed to be collected, and when collected, shall be appropriated in such manner as the said Court shall ordain and direct towards defraying the expence of Patrollers therein and for keeping in due order and subordination, the slaves within said county.

II. *Be it further enacted*, That all laws and parts of laws that come within the purview and meaning of this act be repealed and made void.

#### CHAP. CXXIV.

An Act to repeal an act passed at Raleigh in one thousand seven hundred and ninety-six, entitled, "An act making compensation to the owners of outlawed or executed slaves for the counties of Bladen, Halifax, Granville, Cumberland, Perquimons, Beaufort and Pitt, so far as the same relates to the county of Granville.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, so much of the act passed at Raleigh in one thousand seven hundred and ninety-six, entitled "An act making compensation to the owners of outlawed or executed slaves for the counties of Bladen, Halifax, Granville, Cumberland, Perquimons, Beaufort and Pitt," as relates to, or in any manner concerns the county of Granville so far as it makes provision for the payment or compensation to the owners of outlawed or executed slaves in said county, be and the same is hereby repealed and made void.

II. *And be it further enacted*, That if there shall remain in the hands of the Sheriff, of the County Trustee or of any officer of said county, any surplus money, after discharging all claims to which it is made subject by the provision of the before recited act, that the same shall be applied under the direction, and by order of the County Court of said county of Granville, to the discharge of any tax or taxes to which the person or persons who have paid the same shall or may be liable.

#### CHAP. CXXV.

An Act to authorise certain Commissioners therein named to raise by way of Lottery a sum of money for certain purposes.

WHEREAS it has been represented to this General Assembly that certain individuals of the county of Rowan, have nearly completed a house for public worship which they are unable to finish without the aid of a lottery to supply funds for that purpose.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That John Baizer, Francis Lingal, Leonard Cleids, Henry Casper, George Rosamond and Adam Casper, of the county of Rowan, be, and they are hereby appointed Commissioners for the purpose of carrying into effect the objects mentioned and provided for in this act.

II. *And be it further enacted*, That the said Commissioners or a majority of them, are hereby authorised to raise by way of lottery, any sum not exceeding six hundred dollars.

III. *And be it further enacted*, That the said Commissioners, or a majority of them, shall before they sell or cause to be sold any tickets by virtue of the authority hereby granted, give bond in the sum of twelve hundred dollars with security to be approved by the County Court of Rowan, and payable to the chairman thereof and his successors, conditioned for the fair conducting of said lottery according to such scheme as they shall adopt and publish, and for payment at the time set forth in such scheme of the prizes which shall be drawn; which bond may be put in suit without assignment, for the benefit of any person injured by their misconduct or refusal to pay such prizes at the time and in the manner set forth in such scheme as the said Commissioners or a majority of them may advertise in pursuance of this act.

V. *And be it further enacted*, That the said Commissioners or a majority of them as soon as the drawing of said lottery is completed, shall pay over the nett profits thereof to such person or persons as may be appointed to receive the same by the elders and managers for the time being, of the German Presbyterian Congregation of Second Creek, in the county of Rowan, who shall hold the same in trust for the purpose of finishing a house of worship, for the use of said congregation, and for discharging any debt or debts which have been or may be contracted by the elders and managers of said congregation in that behalf.

#### CHAP. CXXVI.

An Act to repeal an act passed at the last session of the General Assembly, entitled "An act to authorise the counties therein mentioned to elect a Comptroller and other officers, and directing the duties of the several officers, respecting the finances of said counties, so far as relates to the county of Lincoln.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the act passed at the last session of the General Assembly entitled "An act to authorise the counties therein mentioned to elect a Comptroller and other officers, and directing the duties of the several officers respecting the finances of said counties," be, and the same is hereby repealed so far as the same relates to the county of Lincoln.

#### CHAP. CXXVII.

An Act for the relief of Allen Robinett and Michael M'Dowell.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, Allen Robinett and Michael M'Dowell, be, and they are hereby restored to citizenship in as full and ample a manner as if they had never been convicted of any offence whatever; and they the said Allen Robinett and Michael M'Dowell, are hereby declared to be fully competent to exercise and enjoy any office of honor, trust or profit within this State; Any law to the contrary notwithstanding.

#### CHAP. CXXVIII.

An Act to repeal an act passed at the last General Assembly prescribing the mode of appointing Constables in the County of Wilkes, and to restrict the County Court in the appointment of Constables in future.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the before recited act, be, and the same is hereby repealed and made void.

II. *And be it further enacted*, That the said County Court in future shall not appoint more than one Constable in each and every Captain's District, except the Districts in which the town of Wilkesborough is situate, and not more than two in that.

III. *And be it further enacted*, That in every appointment of a Constable, there shall be at least five Justices of the Peace present on the bench; Any law to the contrary notwithstanding.

#### CHAP. CXXIX.

An Act to authorise testified copies of deeds, wills and mesne conveyances to be read as evidence, so far as regards the county of Martin.

WHEREAS it has been the practice of Register's and Clerks within the county of Martin, to register deeds and mesne conveyances, and record wills without registering or recording the certificates of probate on the same, and whereas doubts are entertained whether the copies thereof are admissible evidence in any case, for remedy whereof,

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That from and after the ratification of this act, all regularly attested copies of deeds, wills, and mesne



conveyances that were registered or recorded within the county of Martin, anterior to the first day of January, in the year one thousand eight hundred and twelve, may be given in evidence in any court within this state, where the copies of wills, deeds or mesne conveyances would be evidence, although there should be no certificate of the probate on the same.

*Read three times and ratified in General Assembly, }  
the 24th day of December, A. D. 1812. }*

A TRUE COPY—WM. HILL, Secretary.

GEO. OUTLAW, Speaker of the Senate.

W. MILLER, Speaker of the House of Commons.

## CONTENTS.

### GENERAL ACTS.

|   | PAGE. |
|---|-------|
| AN ACT to amend the Militia Laws, - - -                           | 1     |
| For filling the vacancy in Congress, - - -                        | 3     |
| To amend the laws relative to the Supreme Court, - - -            | ib    |
| Concerning equitable interests in real and personal estate, - - - | 4     |
| To raise a Revenue for 1813 - - -                                 | ib    |
| Dividing the State into Congressional Election Districts, - - -   | 6     |
| Authorising Justices out of Court to take security, - - -         | 7     |
| To suspend Executions, - - -                                      | 8     |
| Directing the method of appointing Electors, &c. - - -            | 9     |
| To extend the right of Challenge, - - -                           | 11    |
| Allowing further time for registering grants, &c. - - -           | ib    |
| For distributing, &c. the public arms, - - -                      | ib    |
| To prevent costs in forfeited recognizances, - - -                | 12    |
| Further regulating the fees of officers, - - -                    | 13    |
| Directing the place of meeting of Electors for 1812, - - -        | ib    |
| For the safe keeping of Public Records, Books, &c. - - -          | 14    |
| Prohibiting Slaves from acting as Pilots - - -                    | ib    |
| Better regulating Apprentices, - - -                              | ib    |
| Authorising Mrs. White to cause certain Grants, &c. - - -         | 15    |
| Amending the act for electing members of Assembly - - -           | ib    |
| Extending the time for making surveys, - - -                      | ib    |
| Making the Protest of a Notary Public evidence, - - -             | 16    |
| Requiring notice of appointment to Overseers, &c. - - -           | ib    |
| Concerning Overseers of Public Roads, - - -                       | ib    |
| Relative to the power of Courts of Equity, &c. - - -              | ib    |

### LOCAL ACTS.

#### Bridges and Roads.

|   |    |
|---|----|
| Incorporating a Company to build a Bridge, - - -            | 17 |
| Authorising Aaron Albertson to make a Road and Canal, - - - | 18 |
| Empowering Rutherford Court to narrow roads &c. - - -       | 19 |
| Concerning the Turnpike Road in Buncombe, - - -             | ib |
| Time and manner of appointing Overseers of Roads, - - -     | ib |
| Authorising Jesse Stallings to stop a ditch, - - -          | ib |

#### Courts.

|  |    |
|--|----|
| How allowances shall be made by the County Courts, &c. - - -     | ib |
| Altering the time of holding the Superior Courts of Jones, - - - | 20 |
| Ditto the County Courts of Columbus, - - -                       | ib |
| Authorising Perquimons Court to transcribe books - - -           | ib |

#### Divorce and Alimony.

|   |    |
|---|----|
| Securing to certain persons such property &c. - - - | ib |
| Divorcing Michael Shoffner, jun. of Orange, - - -   | 21 |
| Divorcing Lavina Massey of Tyrrell, - - -           | ib |
| Divorcing Samuel Murray of Buncombe, - - -          | ib |
| Divorcing Eliza Fulwood of Onslow, - - -            | ib |
| Divorcing Willis Phillips of Randolph, - - -        | ib |

#### Elections.

|  |    |
|--|----|
| Granting another separate election in Duplin, - - -                | ib |
| Establishing a separate election in Cumberland, - - -              | ib |
| Establishing a separate election in Brunswick, &c. - - -           | ib |
| Establishing another separate election in New-Hanover, - - -       | ib |
| Repealing an act establishing a separate election in Warren, - - - | 22 |
| Altering the place of an election in Camden, - - -                 | ib |
| Granting another election in Rutherford, &c. - - -                 | ib |
| Altering the place of an election in Surry, - - -                  | ib |
| Altering the mode of elections in Beaufort, - - -                  | ib |
| Establishing another election in Hyde, and other purposes, - - -   | 23 |
| Concerning elections in Hertford, - - -                            | ib |
| Altering the place of an election in Mecklenburg, - - -            | ib |
| Establishing a separate election in Burke, - - -                   | ib |
| Separate elections in Wayne, - - -                                 | ib |
| Establishing another separate election in Lincoln, - - -           | 24 |
| Another separate election in Wilkes, - - -                         | ib |
| Concerning separate elections in Buncombe, - - -                   | ib |
| Establishing a separate election in Haywood, - - -                 | ib |
| Altering a place of Election in Iredell, - - -                     | ib |

#### Emancipation.

|  |    |
|--|----|
| Emancipating a negro woman named Violet, - - -           | ib |
| Emancipating two negroes belonging to James Allen, - - - | ib |
| Emancipating certain persons, - - -                      | 25 |

#### Fisheries.

|  |    |
|--|----|
| Offishing in Great Contentnea creek, - - - | ib |
| To prevent the passage of Fish, &c. - - -  | ib |

### Incorporations.

|  | PAGE. |
|--|-------|
| Incorporating Concord Lodge in Tarborough, - - -           | 25    |
| Incorporating Orange Lodge in Lincoln, - - -               | ib    |
| Incorporating King Solomon Lodge in Northampton, - - -     | ib    |
| Incorporating St. Andrew's Lodge in Louisburg, - - -       | 26    |
| Incorporating American George Lodge, Murfreesboro, - - -   | ib    |
| Incorporating the Newbern Female Charitable Society, - - - | ib    |

#### Jurors.

|   |    |
|---|----|
| Authorising an augmentation of pay to Jurors in Craven, - - - | ib |
| Compensating Jurors in Burke, - - -                           | ib |
| Authorising more Jurors to be drawn in Chowan, - - -          | ib |
| Fixing the pay of Jurors in Orange, - - -                     | ib |
| Repealing an act compensating the Jurors in Carteret, - - -   | 27 |
| Concerning the pay of Jurors in Robeson, - - -                | ib |

#### Militia.

|   |    |
|---|----|
| Dividing the Militia of Granville, - - -                      | 26 |
| Dividing the Militia of Montgomery, - - -                     | 27 |
| Dividing the Militia of Wake, - - -                           | ib |
| Concerning the Militia of Guilford, - - -                     | ib |
| Dividing the third Division and making another Brigade, - - - | ib |
| Establishing a Battalion muster in Hyde, - - -                | 28 |
| Dividing the Militia of Randolph and Orange, - - -            | ib |
| Battalion musters and elections in Craven, - - -              | ib |
| Concerning the second Regiment of Cumberland, - - -           | ib |

#### Navigation.

|  |    |
|--|----|
| Concerning the Navigation of Colly Swamp, - - -            | ib |
| To make Navigable Cypress Creek in Duplin, - - -           | ib |
| For improving the Navigation of Roanoke river, - - -       | 29 |
| Opening and improving the Navigation of Neuse river, - - - | 32 |
| For completing the Navigation of Neuse, &c. - - -          | 34 |
| To make Long Creek in New-Hanover, Navigable, - - -        | ib |
| To facilitate the Navigation of Old Town Creek, &c. - - -  | 35 |
| For the encouragement of Steam Boats, - - -                | ib |

#### Poor.

|   |    |
|---|----|
| For additional poor taxes in Randolph, Wayne, &c. - - - | 36 |
| Ditto for Wake and other purposes, - - -                | ib |
| Ditto for Duplin and ditto. - - -                       | ib |

#### Public Buildings.

|  |    |
|--|----|
| For completing Public Buildings in Pasquotank, - - -       | 37 |
| To have a Jail built in Buncombe - - -                     | ib |
| Ditto in Rutherford, - - -                                 | ib |
| Authorising money to be raised for Hertford Academy, - - - | ib |
| Amend the act establishing an Academy in Waynesboro' - - - | ib |
| To establish an Academy in Cabarrus, - - -                 | ib |
| For better regulating the Newbern Academy, - - -           | 38 |
| Establishing an Academy in Snow-Hill, - - -                | ib |
| Ditto ditto in Robeson, - - -                              | ib |

#### Sheriffs.

|   |    |
|---|----|
| Authorising certain Sheriffs to collect arrears of taxes, - - - | ib |
| Authorising J. Peebles and J. C. Harrison to collect do. - - -  | 39 |
| Do. administrators of J. G. Scull, &c. to collect ditto. - - -  | ib |
| Ditto Jacob Lassiter, ditto. ditto. - - -                       | ib |

#### Towns.

|   |    |
|---|----|
| To establish a Town in Randolph, - - -                      | ib |
| Empowering Commissioners of Beaufort to lay off lots, - - - | ib |
| Ditto ditto of Greensborough to lay a tax, - - -            | 40 |
| To regulate the Town of Fagansville, - - -                  | ib |
| Declaring certain Water Skirts permanent property, - - -    | ib |
| Authorising Commissioners of Beaufort to lay a tax, - - -   | ib |
| To regulate the town of Nixonton, - - -                     | ib |
| Ditto ditto of Murfreesborough, - - -                       | 41 |
| Commissioners of Salisbury to raise money by lottery, - - - | ib |
| To amend the act establishing a Town in Wayne, - - -        | ib |
| Respecting St. James's Church in Wilmington, - - -          | 42 |

#### Various.

|  |    |
|--|----|
| Establishing the names of Daniel and Sarah Coble, - - -            | ib |
| Authorising the County Court of Camden to lay a tax, - - -         | ib |
| To repeal in part the act of 1796 respecting outlawed slaves - - - | ib |
| To authorise Commissioners to raise money by lottery, - - -        | ib |
| To repeal in part, the act of 1811, appointing Comptrollers, - - - | ib |
| For the relief of Allen Robinett and Michael M'Dowell, - - -       | ib |
| Respecting the appointment of Constables in Wilkes, &c. - - -      | ib |
| Deeds & Mesne Conveyances as respects Martin County. - - -         | ib |



# COMPTROLLER'S STATEMENT.

A Statement of the nett amount of that branch of the Revenue of the State of North-Carolina which is receivable by the Sheriffs, for the year A. D. 1811.

| COUNTIES.  | Taxon<br>Lands. | Poll.        | Stores.   | Town<br>Property | Taverns.   | Stud<br>Horses   | Pedlars   | Billiard<br>Tables. | Total<br>amount. | Amount<br>Paid.      |
|--|-----------------|--------------|-----------|------------------|------------|------------------|-----------|---------------------|------------------|----------------------|
| Anson  | 94 2 2          | 148 6 8      | 16 9      | 5 4              | 2 5 16     | 5 8              |           |                     | 285 6 2          | 285 6 2              |
| Ashe   | 55 8            | 39 14        | 7 1       | 1 8              | 4 6 15     | 4 6 6            | 1 18 8    |                     | 116 12           | 116 12               |
| Brunswick  | 138 5 6         | 130 11 6     | 18 16     | 9 8              | 3 8 18     | 8 5 18 6         |           |                     | 311 18 5         | 311 18 5             |
| Buncombe   | 124 10 1        | 105 0 11     | 9 8       | 7 6              | 5 40 12    | 3 15 5 6         |           |                     | 302 3 2          | 302 3 2              |
| Beaufort   | 84 7 11         | 143 18 9     | 54 1      | 15 12            | 5 27 1     | 6 3 15 3         | 3 15 3    | 3 28 4              | 360 16 1         | 360 16 1             |
| Burke  | 178 3 2         | 145 13       | 11 15     | 4 7              | 3 22 11    | 3 16 10          | 8 9 3     |                     | 387 8 11         | 387 8 11             |
| Bladen   | 28 10           | 120 10 3     | 9 8       | 6 6              | 8 34 6     | 6 16 4 16        |           |                     | 321 17 3         | 321 17 3             |
| Bertie   | 102 16          | 1 333 11 9   | 30 11     | 12 14            | 4 20 6     | 2 18             | 4 5 13 10 |                     | 523 13 6         | 523 13 6             |
| Craven   | 136 11 3        | 278 5        | 94 5      | 100 19           | 3 31 12    | 12 4 6           |           |                     | 653 17           | 653 17               |
| Currituck  | 39 7 7          | 130 13 3     | 7 0 6     |                  | 9 8        | 8 19             |           |                     | 195 8 4          | 195 8 4              |
| Carteret   | 39 0 3          | 76           | 7 1       | 7 11             | 6 21 1     | 3 1 3 6          |           |                     | 151 17 6         | 151 17 6             |
| Camden   | 34 6 6          | 107 17 7     | 35 5      |                  | 29 6 7     | 6 7              | 3 15 4    |                     | 216 18           | 216 18               |
| Caswell  | 78 3            | 3 262 11     | 25 17     |                  | 48 11      | 11 6             | 12 4 6    |                     | 438 12 9         | 438 12 9             |
| Chowan   | 28 18           | 6 156 13 9   | 37 12     | 18 12            | 3 20 6 3   | 4                |           |                     | 266 2 9          | 266 2 9              |
| Chatham  | 140 9 8         | 272 2 8      | 16 9      | 4 13             | 10 36 2    | 23 4             | 20 13 8   | 28 4                | 546 18 10        | 546 18 10            |
| Cumberland   | 207 12          | 5 255 2 6    | 110 9     | 109 6            | 8 47 4     | 8 18 16          |           |                     | 776 15 3         | 776 15 3             |
| Cabarrus   | 50 2 7          | 106 1 10     | 9 8       | 8 2 5            | 9 0 6 5    | 1 9 9 8          |           |                     | 197 5 1          | 197 5 1              |
| Columbus   | 64 4            | 66 9 3       |           |                  | 4 11 3     | 7 10 6 9 8       |           |                     | 152 3            | 156                  |
| Duplin   | 128 0 8         | 189 19 6     | 21 3      |                  | 36 2       | 24 18 3 9 8      |           |                     | 409 11 5         | 409 11 5             |
| Edgecombe  | 1 2 17 10       | 339 10 7     | 65 16     | 18 16            | 21 16      | 4 38 1 6 17 17 3 |           |                     | 624 15 6         | 624 15 6             |
| Franklin   | 87 5            | 2 261 14 3   | 21 3      | 7 16             | 5 29 6     | 8 27 17 10 9 8   |           | 28 4                | 472 15 4         | 472 15 4             |
| Guilford   | 110 6 8         | 202 6        | 32 18     | 2 7              | 27 1       | 6 11 5 8 7 10 6  |           |                     | 393 15 4         | 393 15 4             |
| Gates  | 47 11 4         | 171 18 8     | 14 2      |                  | 15 16      | 6 13 9 8         |           |                     | 265 9            | 265 9                |
| Granville  | 134 5           | 3 453 18 10  | 37 12     | 3 8              | 3 59 8     | 3 51 10 2 18 16  |           | 56 8                | 820 6 9          | 820 6 9              |
| Greene   | 45 11           | 6 129 14 6   | 9 8       |                  | 6 15 6     | 26 1 9           |           |                     | 217 11 3         | 183 10               |
| Halifax  | 118 1           | 8 433 8 9    | 51 14     | 8 15             | 3 35 7     | 0 37 7           |           | 28 4                | 732 17 8         | 732 17 8             |
| Hertford   | 55 4            | 182 1 8      | 25 3      | 10 5             | 8 51 17 10 | 12 9 2           | 1 18 8    |                     | 339              | 339                  |
| Hyde   | 81 17           | 1 114 8      | 23 10     |                  | 27 16 6    | 10 6 10          |           |                     | 257 18 5         | 257 18 5             |
| Haywood  | 28 19           | 29 17        | 4 14      |                  | 4 10 3     | 9 8              |           |                     | 77 8 3           | 77 8 3               |
| Iredell  | 119 14          | 11 215 16 6  | 16 9      | 7 16             | 9 15 16    | 27 11            | 6 11 8    |                     | 109 15 10        | 409 15 10            |
| Jones  | 59 16           | 2 141 19     | 7 1       | 0 9 4            | 2 12 9     | 16               | 1 18 8    |                     | 229 16 11        | 229 16 11            |
| Johnston   | 147 2           | 1 199 18 10  | 16 9      | 4 10             | 3 24 16    | 6 27 19 4 15 10  |           |                     | 435 16 9         | 435 16 9             |
| Lenoir   | 62 12           | 8 141 17     | 9 8       | 4 2              | 7 24 16    | 4 15 10 10 6 10  |           |                     | 268 4 3          | 268 4 3              |
| Lincoln  | 185 19          | 3 253 12 5   | 33 0      | 8 10             | 20 6 3     | 4 14             |           |                     | 506 1 11         | 506 1 11             |
| Moore  | 96 6            | 3 101 6 3    | 4 14      | 1 3              | 2 34 17    | 9 17 6 11 5 8    |           |                     | 359 9 10         | 259 9 10             |
| Montgomery   | 95 7            | 8 143 14 8   | 11 15     | 1 19             | 13 10 10   | 5 8 3            |           |                     | 271 15 5         | 271 15 5             |
| Mecklenburg  | 118 3           | 3 279 3 8    | 42 6      | 9 15             | 7 13 10    | 9 16 9           | 10 6 10   |                     | 489 15 1         | 489 15 1             |
| Martin   | 49 15           | 2 132 18 6   | 23 10     | 4 1              | 6 22 10    | 4 7 1            |           | 6                   | 245 16 6         | 245 16 6             |
| New-Hanover  | 92 18           | 9 267 3      | 132 10 10 | 158 18           | 5 69 18 9  | 4 4 8            |           | 56 8                | 782 2 5          | 773 2 5              |
| Nash   | 95 5            | 1 196 11 2   | 11 15     |                  | 6 10       | 31 19 3          | 7 10 6    |                     | 349 10 11        | 359 10 11            |
| Northampton  | 96 10           | 3 75 12      | 11 15     | 2 1              | 6 9 1      | 6 25 10          | 1 17 8    |                     | 522 7 8          | 522 7 8              |
| Onslow   | 49 7            | 2 138 7 6    | 23 10     | 1 11             | 8 18 1     | 4 14 7 11 3      |           |                     | 248 2 7          | 248 2 7              |
| Orange   | 160 14          | 7 396 7 8    | 32 18     | 20 4             | 9 5 13     | 43 14 3          | 7 10 6    | 56 8                | 767 10 9         | 767 10 9             |
| Person   | 63 4            | 8 184 8 7    | 23 10     |                  | 40 12      | 3 16 9           | 1 17 8    |                     | 330 2 2          | 330 2 2              |
| Pasquotank   | 33 1            | 134 4 8      | 28 4      | 9 0              | 6 24 9     | 8 8 8            | 12 4 6    |                     | 249 12 4         | 249 12 4             |
| Pitt   | 99 11           | 5 220 12 6   | 14 2      | 7 14             | 6 4 8      | 4 15 11 3        | 5 13      |                     | 367 13           | 367 13               |
| Perquimons   | 36 2            | 138 0        | 18 16     | 7 3              | 9 8        | 3 5 10           | 11 6      |                     | 224 10           | 224 10               |
| Rowan  | 229 6           | 8 517 5 8    | 37 12     | 22 12            | 7 58 13    | 3 57 12 6        | 2 16 6    |                     | 925 19 2         | 925 19 2             |
| Randolph   | 118 5           | 11 144 12 11 | 23 10     | 2 1              | 10 22 11   | 4 17 10 3        | 3 17 4    |                     | 332 9 7          | 332 9 7              |
| Rockingham   | 90 1            | 7 165 1 6    | 23 10     | 2 17             | 4 31 11    | 9 29 4           | 4 14      |                     | 347 2            | 347 2                |
| Robeson  | 191 13          | 7 139 11 10  | 14 2      | 5 13             | 2 18 8     | 6 8 5            | 8 9 3     |                     | 386 3 4          | 386 3 4              |
| Richmond   | 86 18           | 6 110 17     | 18 16     | 3 2              | 5 15 16    | 18 10            | 1 17 8    |                     | 238 6 5          | 238 6 5              |
| Rutherford   | 202 13          | 11 164 15 9  | 21 15     | 4 15             | 4 29 6     | 6 17 4           | 8 9 4     |                     | 448 19 10        | 448 19 10            |
| Sampson  | 131 4           | 180 6        | 4 14      |                  | 49 12      | 9 17 8           | 25 8      |                     | 408 12 9         | 408 12 9             |
| Surry  | 141 2           | 171 7        | 14 2      | 4 14             | 3 33 16    | 10 30 6          | 5 14      |                     | 401 2 1          | 401 2 1              |
| Stokes   | 130 13          | 6 193 13     | 23 10     | 18 10            | 6 53 15    | 6 12 18 6        | 1 17 8    |                     | 434 18 8         | 434 18 8             |
| Tyrrell  | 46 1            | 69 6 6       | 9 8       |                  | 24 5 5     | 1 3 6            | 11 5 8    |                     | 161 10 1         | 161 10 1             |
| Washington   | 51 17           | 84 12        | 23 10     | 32 11            | 6 18 1     | 4 9 4            | 5 13      | 28 4                | 248 17 10        | 248 17 10            |
| Wilkes   | 77 2            | 3 123 3      | 4 14      | 7 0              | 4 9 0      | 6 9 6 8          | 3 15 4    |                     | 254 2 1          | 254 2 1              |
| Warren   | 94 2            | 341 17 7     | 21 3      | 20 4             | 11 20 13   | 8 31 19 3        | 18 4 6    | 56 8                | 604 12 11        | 604 12 11            |
| Wayne  | 94 13           | 5 193 7 3    | 18 16     |                  | 4 10       | 4 19 19          | 6 17      |                     | 348 6 6          | 348 6 6              |
| Wake   | 170 17          | 417 3 6      | 49 7      | 52 17            | 6 38 7     | 3 45 2 6         | 5 12 10   | 28 4                | 807 11 7         | 542 14 6             |
| Bank C. Fear   |                 |              |           |                  |            |                  |           |                     | 875              | 875                  |
| Bank Newbern   |                 |              |           |                  |            |                  |           |                     | 1125             | 1125                 |
| 6203 3 4 12060 15 10 1578 4 799 6 1588 17 10 1042 17 8 401 9 7 429 |                 |              |           |                  |            |                  |           |                     |                  | 26103 11 1 25763 8 9 |

The foregoing statement is founded on Documents filed in the Comptroller's Office of N. Carolina, this 1st day December 1812.

S. GOODWIN, Comptroller.



# State of North-Carolina,

IN HOUSE OF COMMONS, 17th December, 1812.

*Resolved*, That the Public Printer be directed to print for the consideration of the people of this state, and annex and bind the same with the laws passed at the present Gen. Assembly, the bill rejected by this House on Tuesday the 8th instant, entitled "A bill to equalize the Land Tax, and to raise a revenue for the payment of the civil list, and to defray contingent charges of government."

P. HENDERSON, C. H. C.

W. MILLER, S. H. C.

IN SENATE, December 18th, 1812.

The foregoing resolutions being read, *Resolved*, that this house do concur therewith.

By order,  
M. SPOKES, Clk.

GEO. OUTLAW, S. S.

## A BILL

*To equalize the Land Tax and to raise a revenue for the payment of the civil list and to defray the contingent charges of government.*

WHEREAS the present mode of levying and collecting the land tax is found to be unequal, inasmuch as regard is not had to either the intrinsic value or quality of soil; and whereas by arranging the several counties whose soil and situation, are nearly similar into districts, a standard value is produced whereby the existing disproportion may be remedied.

*BE it therefore enacted by the General Assembly of North-Carolina, and it is hereby enacted by the authority of the same*, That the Counties within this State shall be divided into two districts in the following manner, to wit: the counties of

to compose the first district. The counties of

shall compose the second district. And that the several County Courts of Pleas and Quarter Sessions within this State, shall at their first term held after the fifteenth day of January, one thousand eight hundred and thirteen, appoint two discreet suitable persons in each militia captain's district, in their respective counties as commissioners, who shall within twenty days after their appointment, proceed to call on each and every person resident in their district subject to pay land tax, either by lease or otherwise, and in virtue of their appointment proceed to class each and every tract or plantation within the same, carefully arranging each tract or plantation into the several classes as is by this act directed, denominating in fair and alphabetical order, the names of the proprietors or occupants of each tract or plantation with the number of acres: *Provided always*, That the commissioners shall have full regard to the situation as well as fertility of soil of each and every tract or plantation. And the said commissioners before they proceed to the duties of their appointment, shall take and subscribe the following oath, to wit, I, A. B. do solemnly and sincerely swear that I will to the best of my skill and judgment, ascertain the true average value of every tract of land or plantation within the district to which I am appointed as commissioner, as are on me enjoined by law, and that I will true return make thereof, "So help me God."

II. *And be it further enacted*, That the said commissioners shall each make out one fair copy of the list by them taken, sitting forth in alphabetical order, the several classes in distinct columns, with the number of acres in each tract or plantation, and return the same to the Clerk of the Court of Pleas and Quarter Sessions of his county, at or before the first day of the term of said court next succeeding their appointment, and the commissioner shall take a receipt for the delivery of such list.

III. *And be it further enacted*, That the county court of each and every county within this state, shall at the first term held after the fifteenth January, one thousand eight hundred and thirteen, appoint three competent and suitable persons as commissioners of appeals, who shall set, try and determine all appeals or exceptions made from the judgment of the commissioners appointed to equalize and class the lands within the several militia captain's districts within this state, and to hear evidence for and against all appellants, and the said commissioners shall hold a meeting for that purpose at the court house in their respective counties, the week succeeding the county court to which the said commissioners appointed to equalize the lands shall return their list; and it is hereby declared to be the duty of the clerks of said county court of pleas and quarter sessions, to deliver to the sheriff of their several counties, a copy of the order of the court appointing said commissioners; and it shall be the duty of the said sheriffs forthwith to deliver the same.

IV. *And be it further enacted*, That any person who shall conceive himself aggrieved by the valuation, classification or equalization of his lands, such person shall signify the same to the clerk of the county court at the term to which the said commissioners shall have returned their list; and it shall be the duty of the clerk to lay the same before the aforesaid commissioners of appeals, and that the decision of the said commissioners of appeals shall be, and is hereby declared to be final and conclusive, and from which no appeal shall be had; and the said commissioners shall immediately make a return thereof to the clerk aforesaid.

V. *And be it further enacted*, That the said commissioners upon their being notified as aforesaid, shall take and subscribe before some person authorised to administer the same, the following oath, to wit, I, A. B. do solemnly and sincerely swear that I will to the best of my skill and judgment, diligently and faithfully execute the duties on me enjoined as commissioner of appeals, without favour, affection, reward or partiality, and that I will do equal and impartial justice in all matters which may be brought before me as commissioner aforesaid.

VI. *And be it further enacted*, That if any of the commissioners appointed by this act, refuse to act, die or become incapable to discharge the duties of their appointment, any two Justices of the Peace for the county, may and they are hereby authorised and directed under their hands and seals, to nominate and appoint one or more as the case may be, fit and suitable persons to supply the vacancy or vacancies thus occasioned by the refusal to act, death or incapacity to discharge the duties of his or their appointment, who shall take the oath prescribed in this act for commissioners of appeal, and be deemed fully competent to all intents and purposes as the other commissioners appointed by the direction of this act.

VII. *And be it further enacted*, That the several county courts within this state, shall at the term next succeeding the term to which the commissioners aforesaid shall return the list of taxable property, levy and ascertain a tax equal to the county and parish charges of the county on the following property—that is to say, on lands according to the classification made by the said commissioners, a sum not exceeding cents the hundred acres, on all lands denominated the first quality; a sum not exceeding cents the hundred acres, on all lands denominated the second quality; a sum not exceeding cents the hundred acres, on all lands denominated the third quality; a sum not exceeding cents the hundred acres, on all lands denominated the fourth quality; a sum not exceeding cents the hundred acres, on all lands denominated the fifth quality; the sum of cents the hundred acres, on all lands denominated the sixth quality; and on all slaves of the age of twelve years, and not exceeding the age of forty-five years, a sum not exceeding cents; a sum of cents on all white males of the age of twenty-one years and under the age of forty-five; on all Stud-horses and Jack-asses, a sum not exceeding one-fourth of the price the owner or keeper may require for the season of one mare.

VIII. *And be it further enacted*, That in case any of the clerks of the county court of pleas and quarter sessions of this state, shall fail to perform any of the duties on them hereby enjoined, he or they so failing or neglecting



shall be subject to pay one hundred pounds, to the use of the state, to be recovered in the same manner as is prescribed by the fourth section of an act of the General Assembly, passed in the year one thousand eight hundred and seven, entitled "An act for the more regular collecting and accounting for the revenue of this state, for allowing the Public Treasurer a clerk, and for the collection of arrearages, and to repeal the twelfth section of an act therein mentioned."

IX. *And be it further enacted*, That the Clerks of each and every county court within this state, are hereby required to transmit to the Comptroller at his office, on or before the first day of June, in each and every year, attested copies of the returns made by the commissioners in their respective counties, and also of every species of taxable property returned to them.

X. *And be it further enacted*, That nothing in this act shall be considered to invalidate or affect the proceedings heretofore prescribed by law against any delinquent revenue officers, or receiver of public money, and that in all cases not otherwise provided for by this act, the same proceedings shall be had and observed as heretofore against such delinquents.

XI. *And be it further enacted*, That in all cases of alienation, partition or exchange of lands either by sale or otherwise in any of the counties within this state, the person or persons in whom the right of such lands shall be vested, shall at the next county court held for said county in which such lands lie, return to the clerk of said court a list of the same, and whose duty it shall be to enter the same in the list of his annual return to the Comptroller; *Provided always*, That in cases of alienation or partition where the division of lands render it necessary to re-value and equalize the same, the county court shall in such case appoint two suitable persons as is prescribed in this act to value and equalize the same according to the directions of this act; and every person claiming lands by alienation, partition or otherwise, when the right thereof is changed, and who shall fail to return the same according to the directions of this act, for every such failure, be held liable and subject to pay the sum of five pounds, to be recovered in the name of the clerk of the county court, before any Justice of the Peace for the county in which such failure shall or may happen, with cost.

XII. *And be it further enacted*, That the Poll-tax, taxes on Stud-horses, taxes on Taverns, Billiard-tables and Town-lots, shall be taken in the same manner as are already by law established; and that the Clerks of the county courts within this state, shall and they are hereby required to return the same in a separate list, denominating in distinct columns the number of polls and all other subjects of taxation, and return the same to the Comptroller at the same time as they are required by this act to return the land tax.

XIII. *And be it further enacted*, That the property hereafter enumerated, be subject to and liable to pay the following tax—that is to say, on all land denominated the first quality in the first district, shall pay the sum of cents the hundred acres; on all lands denominated the second quality, in the first district, shall pay the sum of cents the hundred acres; on all lands denominated the third quality, in the first district, shall pay the sum of cents the hundred acres; on all lands denominated the fourth quality, in the first district, shall pay the sum of cents the hundred acres; on all lands denominated the fifth quality, in the first district, shall pay the sum of cents the hundred acres; on all lands denominated the sixth quality, in the first district, shall pay the sum of cents the hundred acres; and on all lands denominated the first quality, in the second district, shall pay the sum of cents the hundred acres; on all lands denominated the second quality, in the second district, shall pay the sum of cents the hundred acres; on all lands denominated the third quality, in the second district, shall pay the sum of cents the hundred acres; on all lands denominated the fourth quality, shall pay the sum of cents the hundred acres; on every white and black poll within this state of twelve years and not exceeding forty-five, the sum of cents; on all stud-horses and jacks, the full sum for which the keeper or owner may require for the season of one mare; on every hundred pounds value of town property, the sum of cents; on all taverns, the sum of dollars; on all whole-sale stores, the sum of dollars; on all retail-stores, the sum of dollars; and that each and every hawker or pedler of goods, who shall peddle or hawk goods within this state, the sum of dollars in each and every county in which he shall hawk or peddle; on all show-men, who shall think proper to exhibit any animal or beast, for which he or they may require a price for showing the same, the sum of dollars in each and every county in which he, she or they may exhibit such animal or beast; on all exhibitors of wax-figures, the sum of dollars in each and every county in which such person or persons shall think proper to exhibit the same, and requiring a price therefor as aforesaid; on each and every public billiard-table within this state, the sum of dollars.

XIV. *And be it further enacted*, That where any of the militia captains districts within any of the counties in this state, shall be so large as to require more than two commissioners, the county court may and they are hereby required to appoint one other additional commissioner, as is directed in this act to class and equalize the lands.

XV. *And be it further enacted*, That the commissioners appointed by virtue of this act, to equalize and class the lands, shall receive the sum of dollars each, as compensation for the services, which sum shall be paid to the said commissioners respectively by the sheriff of the county, out of the public money collected by him, and the same shall be allowed to the sheriff in his settlement with the Treasurer of the State; *Provided always*, That the commissioners aforesaid shall obtain from the clerk of the county court, a certificate setting forth that such commissioner have performed the duties assigned to him by this act, and which certificate the sheriff shall produce to the Treasurer as a voucher thereof.

XVI. *And be it further enacted*, That the clerk of the several county courts within this state be allowed the additional sum of dollars, as a compensation for such additional services as are required of him by this act; and that the same be paid to the clerk aforesaid by the sheriff, out of the public monies by him collected; *Provided always*, That the clerk aforesaid shall in open court, obtain an order setting forth that the said clerk hath performed the duties assigned him by this act with fidelity, and as evidence thereof the certificate of the Comptroller certifying the same, shall be sufficient for the court to grant such an order; and that the sheriff be allowed the same in his settlement with the Treasurer of the State.

XVII. *And be it further enacted*, That the lands in the first district shall be averaged according to the following rates—that is to say, all lands the value thereof shall be estimated at dollars the acre and upwards, shall be denominated the first quality; all lands the value thereof shall be estimated at dollars the acre, and not exceeding shall be denominated the second quality; all lands the value thereof shall be estimated at dollars the acre, and not exceeding shall be denominated the third quality; all lands the value thereof shall be estimated at dollars the acre, not exceeding shall be denominated the fourth quality; all lands under the value of dollars the acre, and not exceeding the value of shall be denominated the fifth quality; and all lands under the value of dollars the acre, shall be denominated the sixth quality; and all lands in the second district shall be averaged according to the following rates—that is to say, all lands the value thereof shall be estimated at dollars the acre and upwards, shall be denominated the first quality; all lands the value thereof shall be estimated at dollars the acre and under shall be denominated the second quality; all lands the value thereof shall be estimated at dollars the acre and under shall be denominated the third quality; all lands the value thereof shall be estimated at dollars the acre and under shall be denominated the fourth quality; all lands the value thereof shall be estimated at cents the acre and under shall be denominated the fifth quality; and all land the value thereof shall be estimated under cents the acre shall be denominated the sixth quality.

XVIII. *And be it further enacted*, That no classification or equalization of the lands within any of the counties of this state, shall take place in any subsequent year by virtue of this act, except in cases of alienation, partition or transfer.